

Mr. Jefferson's Sickle:
Thomas Worthington and the Implementation of the Agrarian Republic

Research Thesis

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By

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Abbreviations

JAH—*Journal of American History*

JER—*Journal of the Early Republic*.

Letters of Congress—*Letters of Members of the Continental Congress*, ed. Edmund C. Burnett (Washington: Carnegie Institution of Washington, 1921-1936).

LRHL—*The Letters of Richard Henry Lee*, ed. James Curtis Ballagh (New York: The Macmillan Company, 1914).

New Nation Votes—*A New Nation Votes: American Election Returns, 1787-1825*, Tufts University Digital Arches, <http://elections.lib.tufts.edu/>

OHS—Ohio Historical Society, Columbus, OH.

Papers of Adams—*The Adams Papers, Series III: General Correspondence and Other Papers of the Adams Statesmen, Papers of John Adams*, ed. Robert Taylor, et. al. (Cambridge, MA: The Belknap Press of Harvard University Press, 1977-).

Papers of Jefferson—*The Papers of Thomas Jefferson*, ed. Julian P. Boyd, et. al. (Princeton: Princeton University Press, 1950-).

Papers of Madison—*The Papers of James Madison*, William T. Hutchinson, et. al., eds. (Chicago: University of Chicago Press, 1956-1977; Charlottesville: The University of Virginia Press, 1977-).

Papers of Mason—*The Papers of George Mason, 1725-1792*, ed. Robert A. Rutland (Chapel Hill: University of North Carolina Press, 1970).

Papers of Washington—*The Papers of George Washington: Confederation Series*, ed. W. W. Abbot, 6 vols. (Charlottesville: The University of Virginia Press, 1992-1997).

Political Parties—Kenneth C. Martis, *The Historical Atlas of Political Parties in the United States Congress* (New York: Macmillan, 1989).

PTW—Papers of Thomas Worthington, MIC 35, Ohio Historical Society, Columbus, OH.

RCHS—Ross County Historical Society, Chillicothe, OH.

RCPCA—Ross County Probate Court Archives, Chillicothe, OH.

St. Clair Papers—William Henry Smith, ed., *The St. Clair Papers: The Life and Public Services of Arthur St. Clair...*, 2 vols. (Cincinnati: Robert Clarke & Co., 1882).

Territorial Papers—Clarence Edwin Carter, ed., *The Territorial Papers of the United States*, 28 vols. (Washington, D.C.: Government Printing Office, 1934).

TWP—Thomas Worthington Papers, MIC 96, Ohio Historical Society, Columbus, OH.

WMQ—*The William and Mary Quarterly*.

Works of Harrington—James Harrington, *The Political Works of James Harrington*, ed. J. G. A. Pocock (Cambridge, UK: Cambridge University Press, 1977).



Portrait of Thomas Worthington by Charles Wilson Peale, oil on canvas, 1814.

The Jeffersonian Commonwealth: An Introduction

In 1785 Thomas Jefferson wrote in his *Notes on the State of Virginia* that “those who labour in the earth are the chosen people of God, if ever he had a chosen people.” For Jefferson, the “genuine virtue” of the American republic rested on the shoulders of an agrarian based class of freeholders, because “corruption of morals in the mass of cultivators is a phaenomenon of which no age nor nation has furnished an example.”¹ Several questions come to mind after reading such passages. What was the agrarian republic Jefferson envisioned? How did he develop these ideas? Why did he choose freeholders, commonly referred to as yeomen? Were these ideas influential, and who did they influence? Did these ideas ever manifest themselves, and if so what were their results?

Without even answering these questions some historians have lately dismissed the ideal altogether. John Ashworth argues that such passages “cannot be read literally” and that “Jefferson had not the slightest intention of conferring praise upon all of ‘those who labor in the earth.’”² The late Roger G. Kennedy considered the ideal a “lost cause,” and with Adam Rothman and Walter Johnson focused mostly on the supposed influence of Jefferson to the resurgence of agrarian capitalism and chattel slavery, with an emphasis on their expansion into the Mississippi Valley following the Louisiana Purchase.³

¹ Thomas Jefferson, *Notes on the State of Virginia* (1785; New York: Penguin Books, 1999), 170.

² John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic: Volume 1: Commerce and Compromise, 1820-1850* (Cambridge, UK: Cambridge University Press, 1995), 21.

³ Roger G. Kennedy, *Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase* (New York: Oxford University Press, 2003); Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, MA: Harvard University Press, 2005); and Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: The Belknap Press of Harvard University Press, 2013). See also Christopher Michael Curtis, *Jefferson's Freeholders and the Politics of Ownership in the Old Dominion* (Cambridge, UK: Cambridge University Press, 2013), which argues that reforms in Virginia, enacted

While these studies are important explanations of the relationship between land, slavery, and capitalism, it seems unfair to either dismiss or to credit Jefferson's vision and its influence without understanding what he meant. These authors also ignore the other half of America's early western expansion: the Northwest Territory. In a new approach to Jefferson's ideal this study looks into the political life of Thomas Worthington, the "father of Ohio statehood," and one of Jefferson's most prominent protégés. A Virginian, Worthington manumitted his inherited slaves in 1797 when he was twenty-three years old and then moved to the Northwest Territory, settling in Chillicothe. In a political career that spanned thirty years and earned him two trips to the U.S. Senate and the governorship of Ohio, Worthington worked diligently to promote and construct Jefferson's agrarian republic of freeholders.

Considering the rapidly expanding economic domain of slavery and the Virginian heritage of Ohio's most prominent politician, an obvious question then is why did slavery not take root and flourish in the Old Northwest as it had in the Southwest? For some historians such as Peter S. Onuf, Article VI of the Northwest Ordinance stamped out the spread of slavery by prohibiting it in the territory, part of the various compromises between North and South during the Constitutional Convention.⁴ Such an emphasis on any institutional framework was laid to rest by Paul Finkelman's body of work, which describes the ambivalence towards slavery in the territory. Human bondage continued amongst various French inhabitants, under the eyes of federal officials, including Governor Arthur St. Clair, and its vestiges remained among American

by Jefferson and his followers, resulted in the replacement of land with slaves as the ultimate measure of political power.

⁴ Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (Philadelphia: University of Pennsylvania Press, 1983), 170-171, and *Statehood and Union: A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987), 111. See also: Staughton Lynd, "The Compromise of 1787," *Political Science Quarterly* 81, no. 2 (Jun., 1966): 232-233; Robert P. Swierenga, "The Settlement of the Old Northwest: Ethnic Pluralism in a Featureless Plain," *JER* 9, no. 1 (Spring, 1989): 74.

settlers well into the 1830s.⁵ By showing the lack of federal authority in enforcing Article VI, Finkelman has inspired other scholars to then consider the proliferation of slavery in the territory on either an ideological or social level, most recently by John Craig Hammond. While the ordinance's ban on slavery was important, Hammond feels that because "the federal government [was] seemingly unable or unwilling to insure slavery's permanent exclusion, settlers in Ohio and Indiana took it upon themselves to bar slavery and prevent its future expansion across the Ohio River." He credits the Republicans in Chillicothe—many Virginia born—for being ardent anti-slavery supporters, however he offers little analysis as to their ideological inclinations.⁶

No one has devoted more time to analyzing ideology in the Northwest Territory than Andrew R. L. Cayton. Cayton was a product of the debate between intellectual historians over the ideological origins of the American Revolution and the early Republic.⁷ Prior to the 1960s the consensus was that John Locke and liberalism—a belief in natural rights, wealth accumulation, and the political independence of the individual—was the dominating ideology of colonial British America and the newly formed United States.⁸ That interpretation was challenged by what has been deemed the "republican synthesis," something that critic Daniel Rodgers calls "an intellectualization of the Revolution with a vengeance."⁹ Bernard Bailyn, Gordon Wood, and J. G. A. Pocock contended that republicanism, or civic humanism, was at the

⁵ Paul Finkelman, "Evading the Ordinance: The Persistence of Bondage in Indiana and Illinois," *JER* 9, no. 1 (Spring, 1989): 21-51, "Slavery and Bondage in the 'Empire of Liberty,'" in *The Northwest Ordinance: Essays on Its Foundation, Provisions, and Legacy*, ed. Frederick D. Williams (East Lansing, MI: Michigan State University Press, 1988), 61-95, and "Slavery and the Northwest Ordinance: A Study in Ambiguity," *JER* 6, no. 4 (Winter, 1986): 343-370.

⁶ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: University of Virginia Press, 2007), 90-92, 125-128, 135-136.

⁷ Andrew R. L. Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825* (Kent, OH: The Kent State University Press, 1987), "Land, Power, and Reputation: The Cultural Dimensions of Politics in the Ohio Country," *WMQ* 47, no. 2 (April, 1990): 266-286, and "The Contours of Power in a Frontier Town: Marietta, Ohio, 1788-1803," *JER* 6, no. 2 (Summer, 1986): 103-126.

⁸ The classic monograph is Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution* (New York: Harcourt & Brace, 1955).

⁹ Daniel T. Rodgers, "Republicanism: the Career of a Concept," *The Journal of American History* 79, no. 1 (Jun., 1992): 17.

heart of the American Revolution. Central to this ideology were fears of corruption, luxury, waning virtue, and degeneration of the common good, as well as a nostalgic yearning for ancient rights that were being usurped by tyrannical power. An ancient tradition from classical Greece and republican Rome, this ideology found a rebirth during the English Commonwealth, as well as an eager audience amongst the later English “country” faction which was growing ever so critical of Prime Minister Robert Walpole’s “court” politics. They feared the fiscal and military power that Walpole’s new central government commanded, believing that it could be used to abuse and undermine their own local autonomy.¹⁰

It did not take long for other historians to bridge the gap between revolution and nation-building with this intellectual interpretation. The “Republican” label placed on Thomas Jefferson and his followers was not a mistake according to Lance Banning, who believed that “Republican attacks on Federalism appealed to the deepest fears and the highest aspirations in Anglo-American political thought. They appealed, at once, to the hesitations of agrarian conservatives as they experienced the stirrings of a more commercial age.”¹¹ John M. Murrin

¹⁰ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967); Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: The University of North Carolina Press, 1969); J. G. A. Pocock, “Virtue and Commerce in the Eighteenth Century,” *The Journal of Interdisciplinary History* 3, no. 1 (Summer, 1972): 119-134, and *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); John M. Murrin, “The Great Inversion, or Court Versus Country: A Comparison of the Revolution Settlements in England (1688-1721) and America (1776-1816),” in *Three British Revolutions: 1641, 1688, 1776*, ed. J. G. A. Pocock (Princeton: Princeton University Press, 1980), 379-382. For a general overview of this historiography, see Robert E. Shalhope, “Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography,” *WMQ* 29, no. 1 (Jan., 1972): 49-80. My use of “nostalgic” comes from the work of Isaac Kramnick, particularly *Bolingbroke and his Circle: The Politics of Nostalgia in the Age of Walpole* (Cambridge, MA: Harvard University Press, 1968). The above is somewhat of a cliché footnote found throughout historiographical paragraphs. Missing from this list are a few titles that covertly address some of the ideas of republicanism, especially the appeal to ancient rights, regardless if they do not use such nomenclature. See Edmund S. Morgan, “The Puritan Ethic and the American Revolution,” *WMQ* 24, no. 1 (Jan., 1967): 3-43, and *The Stamp Act Crisis: Prologue to the American Revolution* (Chapel Hill: The University of North Carolina Press, 1953); Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States* (Athens, GA: The University of Georgia Press, 1987), particularly 79-150.

¹¹ Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca: Cornell University Press, 1978), 269.

agreed with Banning, viewing the Jeffersonians as an American version of the English “country” party because “they idealized the past more than the future and feared significant change, especially major economic change, as corruption and degeneration.”¹² Drew R. McCoy’s analysis of political economy during the early republic soon followed, and while he did not believe that the Jeffersonians were as ideologically bound as Murrin or Banning described them, they none-the-less were conservative minded men who were attempting “to reconcile classical republicanism with more modern social realities and American conditions.”¹³

Andrew Cayton brought this frame of reference to the Ohio Country. According to Cayton, Worthington and other prominent Virginians living in Scioto Valley “were hardly democratic men.” With a “knowledge of the world” that was “limited to Virginia and its environs,” Worthington and his peers sought to “extend the social and political world of colonial Virginia into the Northwest Territory.” Because of their desire for “the life of the quintessential eighteenth-century Virginia gentleman,” these men “had no intention of living on egalitarian terms with those below them.” They sought to achieve this by speculating in land—which had economic and social similarities to the labor free life of tobacco planters—and by obtaining positions in the county courts, which in turn would secure to them a much revered social status.¹⁴ The Scioto gentry increasingly saw Governor Arthur St. Clair and the rest of the territorial government as “an obstacle to the full economic and social development of the Ohio Country.” Autonomy could not exist in the territory as long as the national government exercised complete

¹² Murrin, “The Great Inversion,” 406.

¹³ Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: The University of North Carolina Press, 1980), 10.

¹⁴ Andrew R. L. Cayton, “Land, Power, and Reputation,” 274-82, quotes on 275. For an understanding of the Southern planter’s mentality, see: T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985); Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: The University of North Carolina Press, 1986), particularly 118-161; A. G. Roeber, “Authority, Law, and Custom: The Rituals of Court Day in Tidewater Virginia, 1720 to 1750,” *WMQ* 37, no. 1 (Jan., 1980): 29-52.

control of local politics, and this invoked in Worthington and others the “country” mindedness of the Jeffersonians.¹⁵ While Cayton did acknowledge that the “‘liberal’ counterpoint to republicanism is especially valuable in interpreting the rhetoric of Ohio’s Jeffersonian gentry,” he still believed that “the ideology of Ohio’s Jeffersonian Republicans takes on greater significance and clarity when analyzed in the larger context of Jeffersonian Republicanism developed by Lance Banning.”¹⁶

This “liberal counterpoint” was first offered in the early 1980s by Joyce Appleby and Isaac Kramnick, both of who had discovered flaws in a republican reading of American political thought. By examining the “radicals of the later eighteenth century,” most of whom were authors read by the American revolutionaries, Kramnick comes to the conclusion that “Locke was very much alive and well in their arguments.” Beyond focusing just on Locke, as Louis Hartz had, Kramnick examined the writings of Richard Price, James Burgh, Thomas Paine, and John Cartwright to name a few. These radicals, along with Thomas Jefferson, were committed to a commercial society that was “individualistic, decentralized, and nonhierarchical.”¹⁷ While Kramnick addressed his review towards Bernard Bailyn and Gordon Wood, Appleby directed her criticisms towards Banning, Murrin, and McCoy. Jefferson was “not the heroic loser in a battle against modernity,” Apple contends, but was rather an optimist for “America’s future as a progressive, prosperous, democratic nation.” Nostalgia and republicanism are concepts that made Appleby cringe; amelioration and liberalism are at the heart of her argument. The agrarian

¹⁵ Cayton, *Frontier Republic*, 51-80, quote on 52.

¹⁶ Cayton explains this in his “Essay on Sources” in *Frontier Republic*, 184-185.

¹⁷ Isaac Kramnick, “Republican Revisionism Revisited,” *The American Historical Review* 87, no. 3 (Jun., 1982):629-644, quotes on 635, 645.

republic was not meant to provide republican virtue, but rather to ensure the economic and social advancement of hard working individuals.¹⁸

Appleby and Banning eventually made concessions, granting that strains of each ideology were present in American thought, but still remained adamant that their positions were still dominant.¹⁹ This new understanding of a co-existence between republicanism and liberalism prompted a slew of community studies, each trying to define which ideology reigned supreme in their respective counties or states, including Cayton's.²⁰ Such studies quickly disappeared though, when Daniel Rodgers's article on republicanism was published. The brewing competition between intellectual historians fueled a debate that, for Rodgers at least, was a waste of academic resources. He feared that republicanism "ran the danger of explaining everything," including social histories such as labor, race, and gender. An emphasis on such a single ideological paradigm could very well undermine the path to historical truth, despite its brief moment of consensus between intellectual and social historians.²¹ This criticism convinced many of the ideology-seeking historians to either deemphasize republicanism and liberalism, or to venture into new avenues of social or political history.²² New approaches by the old guard

¹⁸ Joyce Appleby, "Commercial Farming and the 'Agrarian Myth' in the Early Republic," *The Journal of American History* 68, no. 4 (Mar., 1982): 833-849, quote on 836, "What Is Still American in the Political Philosophy of Thomas Jefferson?" *WMQ* 39, no. 2 (Apr., 1982): 287-309, and *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1984). See also Steven Watts, *The Republic Reborn: War and the Making of Liberal America, 1790-1820* (Baltimore: The Johns Hopkins University Press, 1987).

¹⁹ Joyce Appleby, "Republicanism in Old and New Contexts," *WMQ* 43, no. 1 (Jan., 1986): 20-34; Lance Banning, "Jeffersonian Ideology Revisited: Liberal and Classical Ideas in the New American Republic," *WMQ* 43, no. 1 (Jan., 1986): 3-19.

²⁰ Cayton's *Frontier Republic* is a classic example of this. See also: John L. Brooke, *The Heart of the Commonwealth: Society and political culture in Worcester County Massachusetts, 1713-1861* (Cambridge, UK: Cambridge University Press, 1989); Rachel Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: University of North Carolina Press, 1990); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: The University of North Carolina Press, 1990); Sean Wilentz, *Chants Democratic: New York City & the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984).

²¹ Rodgers, "Republicanism," 11-38, quote on 38.

²² For instance, Gordon Wood and Joyce Appleby deemphasized ideology in their subsequent works. See Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992); Appleby, *Inheriting the*

also gave much needed encouragement to younger historians who began to look at the Revolution in non-ideological terms.²³

Still, a complete retreat from an intellectual interpretation is not necessary. Rather than viewing republicanism and liberalism as perpetually contrasting ideologies, it may be prudent to examine them as collections of various “ideas” that can be borrowed when necessary. As Steven Pincus has shown, English radicals who were attempting to defend commercialism during the Commonwealth “borrowed many of the old tropes of classical republicanism—especially their devotion to the common good and their hatred of tyranny—and blended them with...a commitment to commercialization.”²⁴ Such a mixture of ideas is present in Jeffersonianism.

The best example of Jefferson’s blending of republicanism and liberalism is found in his *Notes on the State of Virginia*. America had “an immensity of land courting the industry of the

Revolution: The First Generations of Americans (Cambridge, MA: The Belknap Press of Harvard University Press, 2000). Some authors of the above mentioned community studies followed suit. See: John L. Brooke, *Columbia Rising: Civil Life on the Upper Hudson from the Revolution to the Age of Jackson* (Chapel Hill: The University of North Carolina Press, 2010); Andrew R. L. Cayton, “‘Language Gives Way to Feelings’: Rhetoric, Republicanism, and Religion in Jeffersonian Ohio,” in Jeffrey P. Brown and Cayton, eds., *The Pursuit of Public Power: Political Culture in Ohio, 1787-1861* (Kent, OH: The Kent State University Press, 1994), 31-48, and “‘Noble Actors’ upon ‘the Theatre of Honor’: Power and Civility in the Treaty of Greenville,” in Cayton and Fredrika J. Teute, eds., *Contact Points: American Frontiers from the Mohawk Valley to the Mississippi, 1750-1830* (Chapel Hill: The University of North Carolina Press, 1998), 235-269; Alan Taylor, *William Cooper’s Town: Power and Persuasion on the Frontier of the Early American Republic* (New York: Alfred A. Knopf, 1995); Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton & Co., 2005).

This has not been the case in political science however, where many scholars continue to emphasize republicanism and liberalism. See for instance Quentin Skinner, *Liberty Before Liberalism* (Cambridge, UK: Cambridge University Press, 1998); Eric MacGilvray, *The Invention of Market Freedom* (Cambridge, UK: Cambridge University Press, 2011).

²³ New interpretations of the American Revolution tend to focus less on the violation of either natural or ancient rights, and more so on how Americans believed independence would be economically beneficial. See: T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004), particularly 235-293; William J. Campbell, *Speculators in Empire: Iroquoia and the 1768 Treaty of Fort Stanwix* (Norman, OK: University of Oklahoma Press, 2012); Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003); Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca: Cornell University Press, 1988); Woody Holton, *Forced Founders: Indians, Debtors, Slaves & the Making of the American Revolution in Virginia* (Chapel Hill: The University of North Carolina Press, 1999).

²⁴ Steve Pincus, “Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth,” *The American Historical Review* 103, no. 3 (Jun., 1998): 705-736, quotes on 707 and 708.

husbandman” Jefferson believed, and he envisioned an expanse of freeholders exploiting this abundant resource.²⁵ He hoped that the staple growing in these fields would be wheat, a crop that he saw as necessary to sustaining republican virtue. According to Jefferson wheat covers “the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the season of harvest, raises great numbers of animals for food and service, and diffuses plenty and happiness among the whole.”²⁶ “Dependence,” meanwhile, “begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition.”²⁷ Jefferson believed that the “plenty” and “happiness” of self-produced agriculture would fend off “dependence” by creating an abundance of tradable produce, the profits of which would form a foundation of economic independence, thus ushering in political liberty.

James Harrington’s *The Commonwealth of Oceana*, inspired in large part by Niccolo Machiavelli’s civic humanism, was critical in the development of this agrarian vision.²⁸ While writing his *Notes* Jefferson had purchased a copy of *Oceana* from the estate of William Byrd II, most likely one of the John Toland editions which included other writings of Harrington.²⁹ It is easy to infer that Jefferson’s notions of “dependence,” “plenty,” and freeholders come from Harrington. In outlining his ideal future for a British commonwealth in the form of a fictional history, Harrington describes how Panurgus, the King of Oceana, made “farms and houses of husbandry of a standard; that is, maintain’d with such a proportion of land to them, as may breed

²⁵ Jefferson, *Notes*, 170.

²⁶ *Ibid.*, 173.

²⁷ *Ibid.*, 171.

²⁸ For Machiavelli’s influence on Harrington, see: Pocock, *Machiavellian Moment*, 317.

²⁹ Kevin J. Hayes, *The Road to Monticello: The Life and Mind of Thomas Jefferson* (New York: Oxford University Press, 2008), 264. Hayes remarks that *Oceana* was inspirational to Jefferson while he was writing *Notes*, but somewhat uncharacteristically offers no analysis.

a subject to live in convenient plenty, and no servile condition, and to keep the plow in the hand of the owners, and not mere hirelings.”³⁰

Drawing upon this Harringtonian ideal of an equal distribution of land, Jefferson felt that an agrarian based republic of freeholders would furnish a virtuous, industrious people capable of self-sufficiency. That self-sufficiency however would consist of mass participation within an increasingly commercial world, brought on by labor intensive individualism. Every farmer would in essence become an agrarian merchant, peddling his agricultural goods within an international market. By exchanging agricultural products for Europe’s manufactures, America could “preserve a republic in vigour” by keeping out the “workmen” and “their manners and principles.” “The mobs of great cities” threatened a republic with “degeneracy” Jefferson argued, and as such “it is better to carry provisions and materials to workmen [in Europe], than bring them to the provisions and materials.”³¹

These seemingly contrasting, yet articulately combined ideologies expressed in *Notes on the State of Virginia* became inspiration to Thomas Worthington, most evidently seen in his support and authorship of legislation meant to achieve egalitarian land ownership and political participation in the expanding republic. Rather than supporting policies that would benefit him financially and secure his position as a gentleman of property and standing—as Cayton has argued—Worthington lobbied for, authored, and executed federal land reforms in the American West that were both liberal and republican, and in no way replicated the plantation dominated Tidewater. His endorsement of democratic policies were also indicative of his liberal stance to the common good. Many within the Virginia gentry were opposed to extending the electorate, particularly to non-property holders, because they felt democracy would threaten their political

³⁰ James Harrington, *Works of Harrington*, 158.

³¹ Jefferson, *Notes*, 171.

monopoly over Virginia's minimalist tax-system.³² Worthington did not share in this fear, endorsing an electorate that included "all [white] male citizens...who shall have arrived at full age and resided within [the Northwest Territory] at least one year...and shall have paid a territorial or county tax."³³ No property requirements were instituted, but the electorate was intentionally racialized for reasons that will become clear.

Following the Revolution many states developed a system of speculation and patronage for disposing of their public lands, a system which would soon make its way to the Northwest Territory.³⁴ Worthington would labor for years to reverse this system in the national domain, transforming it into a more neo-Harringtonian model based on Jefferson's *Notes*. This was achieved predominantly through the Land Acts of 1800 and 1804, reforms which would provide the republican basis of political power—land—and the liberal basis of power—wealth—to the majority of the citizenry. To understand the origins of this development, as well as its national implications, an overview of the early Western policy is needed. While there has been no shortage of attention given to the federal government's policies over the West, most have attributed policy creation to eastern politicians until after the Panic of 1819, with an occasional reference to William Henry Harrison in 1800.³⁵ Such a view undermines the work and efforts of

³² Robin L. Einhorn, "Institutional Reality in the Age of Slavery: Taxation and Democracy in the States," *The Journal of Policy History* 18, no. 1 (2006): 21-43; See also: Risjord, *Old Republicans*, 3-4; William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861* (Charlottesville: The University of Virginia Press, 1996), 4.

³³ Thomas Worthington, "Draft of the Enabling Act," ca. 1802, Early Territorial and Statehood Manuscript Collection, Ross County Historical Society, Chillicothe, OH.

³⁴ There is a vast literature on the subject of land speculation and settlement prior to and following the Revolution, which spans across the entire continent. See: Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY: Cornell University Press, 1988); Charles E. Brooks, *Frontier Settlement and Market Revolution: The Holland Land Purchase* (Ithaca, NY: Cornell University Press, 1996); Peter C. Mancall, *Valley of Opportunity: Economic Culture along the Upper Susquehanna, 1700-1800* (Ithaca, NY: Cornell University Press, 1991), 160-216; Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: The University of North Carolina Press, 1990), and *William Cooper's Town: Power and Persuasion on the Frontier of the Early Republic* (New York: Alfred A. Knopf, 1995).

³⁵ Payson J. Treat, *The National Land System, 1785-1820* (New York: E. B. Treat & Company, 1910); Benjamin Horace Hibbard, *A History of the Public Land Policies* (1924; Madison, WI: University of Wisconsin Press,

Worthington and others in the territory, who had as much a hand in influencing policy as any easterner.

Chapter one will cover the compromise between liberal and republican ideas that developed in the Northwest Territory following the Revolution. During this time speculators and federal government officials worked in tandem to achieve their diverse goals of profit seeking, national hegemony, and the reduction of the Revolutionary War debt. Chapter two will highlight the failure of this policy, early opposition to it by Worthington and other westerners, and the eventual adoption of a new federal land policy under both the Adams and Jefferson administrations. This new model would result in a much more equal distribution of property, as well as providing a part of the infrastructure necessary for the transition to capitalism. Chapter three will discuss the breakdown of consent in the territory, opposition to the Northwest Ordinance, and the adoption of the Ohio Constitution. The result was a democratization of the electorate, as well as a racialization of citizenship, which the Jeffersonians saw as crucial to preserving the agrarian republic. Taken together, these three storylines help show the formation of a revolutionary settlement in Ohio based on various ideological influences, the result of which was an ecumenical American society.

1965); Paul W. Gates, *History of Public Land Law Development* (Washington, D.C.: U.S. Government Printing Office, 1968); John R. Van Atta, *Securing the West: Politics, Public Lands, and the Fate of the Old Republic, 1785-1850* (Baltimore: Johns Hopkins University Press, 2014). For Frederick Jackson Turner see: *The Frontier in American History* (New York: Henry Holt & Co., 1921).

Chapter 1: “Fair Objects of Speculation”: Land Companies and Oligarchy

Land was immensely important to the British colonials prior to and during the American Revolution, and following independence the new American republic found itself in the possession of the entire trans-Appalachian frontier, as well as a large national debt.¹ With a vastness of land beyond their imagination (literally), the government quickly began the process of administering and settling its domain. Policies on this differed though, and while calls for the accommodation of actual settlers by the federal government ebbed and flowed amongst national leaders, the moneyed interest of liberal-minded speculators quickly prevailed. An empire of speculation developed, in which wealth-seeking individuals contracted with republican-minded policy makers who were bent on removing the national debt and the corrupting influence they felt it had.

While the Revolutionary War was raging on in 1780, Thomas Paine wrote a political pamphlet titled *Public Good* arguing against Virginia's ancient claim to territory west of the Appalachian Mountains. To Paine, these lands were “the common right of all” Americans. He claimed that the charter of Virginia applied to virtually all of the North American continent, for in 1606 all of “America” was called “Virginia.” By this logic, all Americans were thus to share

¹ For American interests in land see: Marc Engal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY: Cornell University Press, 1988); Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766* (New York: Alfred A. Knopf, 2000), 22-32; Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Alfred A. Knopf, 2006); Richard Maxwell Brown, “Back Country Rebellions and the Homestead Ethic in America, 1740-1799,” in *Tradition, Conflict, and Modernization: Perspectives on the American Revolution*, eds. Richard Maxwell Brown and Don. E. Fehrenbacher (New York: Academic Press, 1977), 73-99; William J. Campbell, *Speculators in Empire: Iroquoia and the 1768 Treaty of Fort Stanwix* (Norman, OK: University of Oklahoma Press, 2012); Francis Jennings, *Empire of Fortune: Crowns, Colonies, and Tribes in the Seven Years War in America* (New York: W. W. Norton & Co., 1990).

the land claimed by the charter as they all were part of the same social contract. His pamphlet advocated for “laying off a new state, so as to contain between twenty and thirty million of acres, and opening a land office in all the countries in Europe for hard money, and in [America] for supplies in kind at a certain price.” Such a land office would generate revenue from European sales so as to create a general fund for carrying on the American Revolution. “Lands are the real riches of all the habitable world and the natural funds of America,” Paine wrote. They would thus be used to purchase American independence.²

Paine’s advocacy of selling the western territory to create a fund for paying off the Revolution’s debt was a commonly held idea among the emerging post-war factions, and from 1785 to 1800 would be the federal government’s general policy. Governors Patrick Henry and Thomas Jefferson had commissioned George Rogers Clark to secretly invade the Illinois Country so as to secure Virginia’s hegemony over much of the trans-Appalachian west. Clark’s victory at Vincennes in 1779 and his attempted genocide of their local Indian allies gave Virginia all the claim to the western territory that it desired.³ Members of the Continental Congress were soon scrambling to obtain a cession of the land from Virginia to the United States. Richard Henry Lee wrote to Samuel Adams supporting such a cession on the grounds that Virginia be reimbursed for its efforts of conquest, that the land be divided into several states, and that “the ceded lands be sold fairly, and the purchase money bona fide applied to the extinguishing of the Continental

² Thomas Paine, *Public Good, Being an Examination into the Claim of Virginia to the Vacant Western Territory, and of the Right of the United States to the Same* (Philadelphia: John Dunlap, 1780), 5-7, 34-35.

³ Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673-1800* (Cambridge, UK: Cambridge University Press, 1997), 215-216; Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Viking, 2005), 349-352; Merrill D. Peterson, *Thomas Jefferson & the New Nation* (New York: Oxford University Press, 1970), 176-181; L. Scott Philyaw, *Virginia’s Western Visions: Political and Cultural Expansion on an Early American Frontier* (Knoxville: The University of Tennessee Press, 2004), 65-93; Richard D. White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge, UK: Cambridge University Press, 1991), 375-378.

debt.”⁴ Other Virginians, such as George Mason, were less enthused at lopping off half of their state. Writing to Thomas Jefferson, a disgruntled Mason commented on the “factious, illegal, & dangerous Schemes now in Contemplation in Congress, for dismembering the Commonwealth of Virginia.” Thomas Paine’s argument against Virginia’s claim had obviously taken root, for Mason condemned the “Doctrine now industriously propagated ‘that the late Revolution has transferred the Sovereignty formerly possessed by Great Britain, to the United States.’”⁵

Regardless of such differences a cession was reached in 1784. Virginia agreed to cede all claim to its lands northwest of the Ohio River on certain conditions: that the land be laid out into small, republican states, that Virginia be reimbursed for its expenses incurred in conquering that territory, that the French and Canadian inhabitants of the region be secured in their rights and their possessions, that a large bounty of land be granted to George Rogers Clark and his men for their service, that a strip of land lying between the Great Miami and Scioto River be reserved for other Virginia Revolutionary War veterans, and last, “that all the Lands within the Territory so Ceded [...] shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or federal Alliance of the said States Virginia inclusive.”⁶

Following the cession George Washington received an anonymous letter, probably from a fellow Virginia planter. In America, the correspondent wrote, “the true Center of Dominion ought and must be Land.” Writing about the western territory, he reminded Washington that “At the commencement of the War & for a considerable time after these Lands were Unreservedly held up, as in Justice they ought as a National fund for defraying the Expences of the War.” He contended “that had they been wisely & honestly managed,” these lands could have been sold to

⁴ Richard Henry Lee to Samuel Adams, 10 Sep. 1780, in *LRHL*, 2:201.

⁵ George Mason to Thomas Jefferson, 27 Sep. 1781, in *Papers of Mason*, 2:697.

⁶ “Virginia: Cession of Western Land Claims,” in *Territorial Papers*, 2:6-9.

actual settlers from America, bringing in more revenue than sales to any “Land Jobber or Huckster” could have produced. “Yet Sir enormous as this loss is to the Public,” he reassured Washington,

There could not Possibly have happened a more favourable opportunity for Erecting a Number of States, fortunate in being formed on the Principles of Equality, by an equitable and generous Agrarian, a Regulation deemed from the Experience of States and the Testimony of every Political Writer, the most necessary & essential for the happiness prosperity & Duration of every Landed Republick.

Such a “Division of Property” would form “true Principles of Democratic Liberty,” while removing “Luxury, & other obvious Causes of Corruption,” the writer thought.⁷

While the concept of western states is an echo of Benjamin Franklin’s *Plan for Settling Two Western Colonies*—which Franklin published ahead of the Albany Conference in 1755—the primary ideas and language expressed in this letter are strikingly similar to ones put forward by James Harrington.⁸ In his *A System of Politics* (which was included in many eighteenth-century editions of *The Commonwealth of Oceana*), Harrington wrote that when the people “have the whole, or two parts in three of the whole” of the land, then “the interest of the many” becomes the “predominant interest, and causes democracy.” In *The Commonwealth of Oceana* he stressed the “balance of dominion or property.” An “agrarian” was the check against corruption for Harrington, which was “a perpetual law establishing and preserving the balance of dominion, by such a distribution that no one man or number of men within the compass of the few or aristocracy can come to overpower the whole people by their possessions in lands.”⁹

Washington’s correspondent was obviously familiar with these concepts.

⁷ Unknown Author to George Washington, 15 July 1784, in *Papers of Washington*, 508, 515.

⁸ For Franklin’s plan see: “A Plan for Settling Two Western Colonies,” in *The Papers of Benjamin Franklin*, eds. Leonard W. Labaree, et. al., 41 vols. (New Haven: Yale University Press, 1954-), 5:457-462.

⁹ James Harrington, *Works of Harrington*, 157-158, 181, 834-36.

Such a policy was unattractive to Congress, which was far more interested in diminishing its debt rather than giving away land freely. Before land sales could commence, Congress had to begin negotiations to extinguish the Indian title to the territory. As Arthur Lee of Virginia claimed, such a treaty was necessary to “sink so much of our domestic debt, by selling lands for Certificates as will render the remainder very light.” In his eyes an Indian treaty was just as important as the peace treaty signed at Paris in 1783.¹⁰ George Washington also felt that Congress could derive “a very considerable revenue from the Western territory” if terms could be reached. A treaty would prevent the possibility of renewed hostilities on the frontier, as well as help offer a solution to the public debt.¹¹

Commissioners were sent out by Congress to contract with the western tribes. As historian Eric Hinderaker has said, “unappreciative of the extent to which tribally defined lines of authority had themselves been blurred in the Ohio Valley, congressional leaders expected that careful attention to each tribe’s separate interests would allow the commissioners to negotiate unambiguous concessions and boundaries.” This is evidenced by the commissioners meeting with the Iroquois at Fort Stanwix, who then informed the Americans that they had no authority over the western lands. Three months later the commissioners signed a treaty with the Wyandots, Delaware, Ottawa, and Chippewa at Fort McIntosh, which relinquished all Indian title in the Ohio Valley save a reserve on the south shore of Lake Erie for the Delaware and Wyandots.¹² Representing these two tribes were Captain Pipe of the Delaware and Half King of the Wyandots. According to historian Richard White “neither Pipe nor Half King had the authority to make such a cession,” and both were motivated by personal gain for their own villages. Not only were the gathered tribes at Fort McIntosh underrepresented, but the land was

¹⁰ Arthur Lee to John Adams, 11 May 1784, in *Papers of Adams*, 16:206.

¹¹ George Washington to Jacob Read, 3 Nov. 1784, in *Papers of Washington*, 2:119-120.

¹² Hinderaker, *Elusive Empires*, 231-235.

never theirs to begin with; they were all the fortunate tenants of the Huron and Miami, neither of whom were involved in the negotiations.¹³ Having the signatures of the actual residents was all that mattered to Congress though, who hastily began plans to sell the land. “The great Object with the United States now,” Richard Henry Lee wrote to Thomas Jefferson following the signing, “is to dispose speedily of the western lands for the discharge of the public debt.”¹⁴ Samuel Hardy of Virginia was excited about the generation of revenue as well, stating that “the opening [of] a Land Office for the sale of Western territory [will] enable us to do justice to the public creditors and retrieve in some degree the public Credit.”¹⁵

With what they perceived as a clear title, Congress began work in 1785 to develop a system for land disposal. William Grayson of Virginia and Rufus King of Massachusetts soon emerged within the committee as the leading proponents for their Southern and Northern factions, though both men deferred to more prominent national leaders. Grayson was concerned with the judgment of George Washington, while King looked towards Timothy Pickering. Washington wished “to hit upon a happy medium price for the Western Lands for the prevention of Monopoly on one hand—and not discouraging useful Settlers on the other.”¹⁶ For Washington, non-useful settlers were the individualistic type, many of whom “in defiance of the proclamation of Congress roam over the Country on the Indian side of the Ohio—mark out Lands—Survey—and even settle them.”¹⁷ This individual approach was “too diffusive” for Washington, who instead argued for “compact and progressive Seating” which would “give strength to the Union; admit law & good government; & federal aids at an early period.” If settlers were allowed to settle into “sparse settlements,” he feared it would open “a large field to

¹³ White, *Middle Ground*, 436-437.

¹⁴ Richard Henry Lee to Thomas Jefferson, 16 May 1785, in *Letters of Lee*, 2:358.

¹⁵ Samuel Hardy to William Short, 5 Apr. 1785, in *Letters of Congress*, 8:85.

¹⁶ George Washington to Richard Henry Lee, 14 Dec. 1784, in *Papers of Washington*, 2:182-183.

¹⁷ George Washington to Jacob Read, 3 Nov. 1784, in *Ibid.*, 2:119-120.

Land jobbers and speculators, who are prouling about like Wolves in every shape, will injure the real occupants & useful citizens; & consequently, the public interest.”¹⁸ Richard Henry Lee relayed Washington’s sentiments to Grayson in the hopes that Grayson’s plan would incorporate Washington’s opinions.¹⁹

Timothy Pickering was much more technical in his wishes. Admitting to Elbridge Gerry that if a more liberal approach to staking out claims to land was enacted, he would “engage seasonably with some enterprising, but confidential characters, to explore the country and make locations.” However, Pickering was willing to lay aside self-interest for the public, saying he “would rather suppose Congress would fall on a more regular plan—as that of surveying a district or districts for a state or states, dividing the same into counties & townships—and then selling the townships at public auction.” Like Washington, he advocated for compact settlements, believing that each new state should be sold one at a time and not altogether, so that “this way the settlements of that country may be effected with regularity—with much more safety than in the desultory way practiced in” Pennsylvania and Virginia. By allowing the government to choose which lots to sell, it would prevent “adventurers” from scattering over the country and claiming the best—and most valuable—lands for themselves. Though these ideas may have been “*rather foreign* to the interest of persons who would speculate in these lands,” Pickering felt they were “adapted to promote the public interest.” He was quick to reiterate though, that “if there must be a *scramble*, we have an equal right with others.”²⁰

¹⁸ George Washington to Hugh Williamson, 15 Mar. 1785, in *Ibid.*, 2:440.

¹⁹ William Grayson to George Washington, 15 Apr. 1785, in *Ibid.*, 2:498.

²⁰ Timothy Pickering to Elbridge Gerry, 1 Mar. 1785, in *The Life and Correspondence of Rufus King: Comprising his Letters, Private and Official, His Public Documents, and His Speeches*, ed. Charles R. King, vol. 1, 1755-1794 (New York: G. P. Putnam’s Sons, 1894), 72-73.

Elbridge Gerry forwarded Pickering's letter to Rufus King.²¹ Pickering's ideas over townships and a public auction were immediately adopted before Grayson had the privilege of Washington's counsel. It appears that King was influential in the committee in transplanting Pickering's proposals, for Grayson's draft called for "the lands [to be] survey'd previous to the sale" and then sold "at publick vendue for specie or certificates."²² King was happy to forward this draft to Pickering, informing him that his "ideas have had weight with the committee," and asked for Pickering's "farther communications on this subject."²³ Grayson meanwhile seemed rather cautious in his reply to Washington after adopting these proposals. "The idea of a sale by public Vendue, in such large quantities, appears at first view eccentric, & objectionable," he wrote, but offered the opposition's reasons. A public auction would alleviate "undue advantage" to those who had previously surveyed the land, and "a sale by competition" would make up for the "difference in the value of the land." Townships would be a "temptation of support for religion & education" and "an inducement for neighbourhoods." The "Southern mode" of survey "would defeat this end by introducing the idea of indiscriminate locations & settlements."²⁴ Despite Washington's distaste for "monopolizers," this system would allow speculators to purchase large tracts and distribute to actual settlers for profit, but also provide for compact settlement familiar to New Englanders and preferred by Washington.

While surveying in townships was agreed upon, the size of them was not, for the regional identities of the committee members quickly surfaced. By April 12th the suggested size was a seven-mile square township, significantly lower than what Thomas Jefferson had proposed in

²¹ Elbridge Gerry to Timothy Pickering, 4 Mar. 1785, in *Letters of Congress*, 8:55.

²² James Monroe to Thomas Jefferson, 12 Apr. 1785, in *Ibid.*, 8:90.

²³ Rufus King to Timothy Pickering, 15 Apr. 1785, in *Letters of Congress.*, 8:94.

²⁴ William Grayson to George Washington, 15 Apr. 1785, in *Papers of Washington*, 2:498-499. For analysis of the township system, see Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, IN: Indiana University Press, 1987), 38-39.

1784.²⁵ Such a township would contain roughly 30,000 acres, and this size “was adher’d to with great obstancy by the E. men & as firmly oppos’d by the southern.”²⁶ Grayson was somewhat perplexed by this, commenting that

The Eastern people who before the revolution never had an idea of any quantity of Earth above a hundred acres, were for selling in large tracts of 30,000 acres while the Southern people who formerly could scarce bring their imaginations down so low as to comprehend the meaning of a hundred Acres of ground were for selling the whole territory in lots of a mile square.²⁷

Contrary to Grayson’s belief, surveying land by township was a common practice in New England, especially in regards to Massachusetts town formation, where for over a century merchant-speculators had led the process of town development.²⁸ The square mile sections favored by the Southerners that King mentioned were part of the Southern heritage, dating back to the headright system incorporated within colonial Virginia.²⁹ Whereas the six-mile square township would be divided into a community, the square-mile section would be granted to an individual. This argument between Southerners and Northerners over the size of government tracts formed the center of the public lands argument for the next twenty years, with Southerners favoring direct sales of small tracts to individual settlers, and Northerners favoring larger sales to merchant-speculators.

²⁵ William Samuel Johnson to Roger Sherman, 20 Apr. 1785, in *Ibid.*, 8:101. Jefferson suggested townships ten miles square. For Jefferson’s plan for western lands, see “Report of a Committee to Establish a Land Office,” in *Papers of Jefferson*, 7:140-147.

²⁶ James Monroe to James Madison, 8 May 1785, in *Papers of Madison*, 8:278.

²⁷ William Grayson to James Madison, 1 May 1785, in *Ibid.*, 8:274. David Hackett Fischer’s comparison of New England and Virginia land grants offers a valuable analysis of Grayson’s line of thinking. See *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 374-382.

²⁸ For merchant-speculators and town formation see: John Frederick Martin, *Profits in the Wilderness: Entrepreneurship and the Founding of New England Towns* (Chapel Hill: The University of North Carolina Press, 1991). For government regulation of land grants in colonial Massachusetts see William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill & Wang, 1983), and Kenneth A. Lockridge, *A New England Town, The First Hundred Years: Dedham, Massachusetts, 1636-1736* (New York: W. W. Norton & Company, Inc., 1970).

²⁹ For the headright system see Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Co., 1975), 92-95, 171-173, and Daniel K. Richter, *Before the Revolution: America’s Ancient Pasts* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011), 190, 194, 208.

Arguments between the members on the issue could “fill forty Volumes” Grayson thought. In an effort to reconcile the opposing factions Grayson introduced a motion that called for a checkerboard system of sale. The township survey would be retained, but only every other township would be sold in whole, and the others sold in sections. At first it was “objected to,” but compromise would come soon as Grayson’s proposal was accepted, and the size of the townships reduced from seven-miles square to six.³⁰ Still, many of the delegates—Grayson included—were hesitant of the plan. Admitting that “it will be far from being the best that could be made,” Grayson still felt the draft “is the best that under present circumstances can be procured.”³¹ Samuel Dick of New Jersey wished that “It may Exhibit in the Execution Marks of Wisdom proportioned to the Time and Expense it has and will Cost.”³² King was not pleased with it at all, claiming to Pickering that he was “obliged so far to give up the Plan of Townships” (despite retaining their survey and half the land to be sold as such).³³ Connecticut’s delegates went so far as to apologize to their governor for “consenting” to the plan.³⁴ Richard Dobbs Spaight of North Carolina bluntly told his governor that “it never will answer the End proposed” as before this “unheard of plan can be carr[i]ed into Execution, the lands will be possessed by persons, who have already and are daily crossing the Ohio.”³⁵

Regardless, the Land Ordinance of 1785 was adopted by Congress on May 20th. A geographer was to be appointed, and accompanied by one surveyor from each state. These men would survey seven ranges of townships. Each township would be the compromised six-miles

³⁰ William Grayson to Timothy Pickering, 27 Apr. 1785, in *Letters of Congress*, 8:106; William Grayson to James Madison, 1 May 1785, and James Monroe to James Madison, 8 May 1795, in *Papers of Madison*, 8:275-276, 278-79. Paul Wallace Gates understood this as a compromise as well. *History of Public Land Law Development* (Washington, D.C.: U.S. Government Printing Office, 1968), 65.

³¹ William Grayson to George Washington, [c.4-8] May 1785, in *Papers of Washington*, 2:535.

³² Samuel Dick to William Hall, 27 May 1785, in *Letters of Congress*, 8:126.

³³ Rufus King to Timothy Pickering, 8 May 1785, in *Ibid.*, 8:115.

³⁴ The Connecticut Delegates to the Governor of Connecticut (Mathew Griswold), 27 May 1785, in *Ibid.*, 8:124.

³⁵ Richard Dobbs Spaight to the Governor of North Carolina (Richard Caswell), 5 June 1785, in *Ibid.*, 8:135.

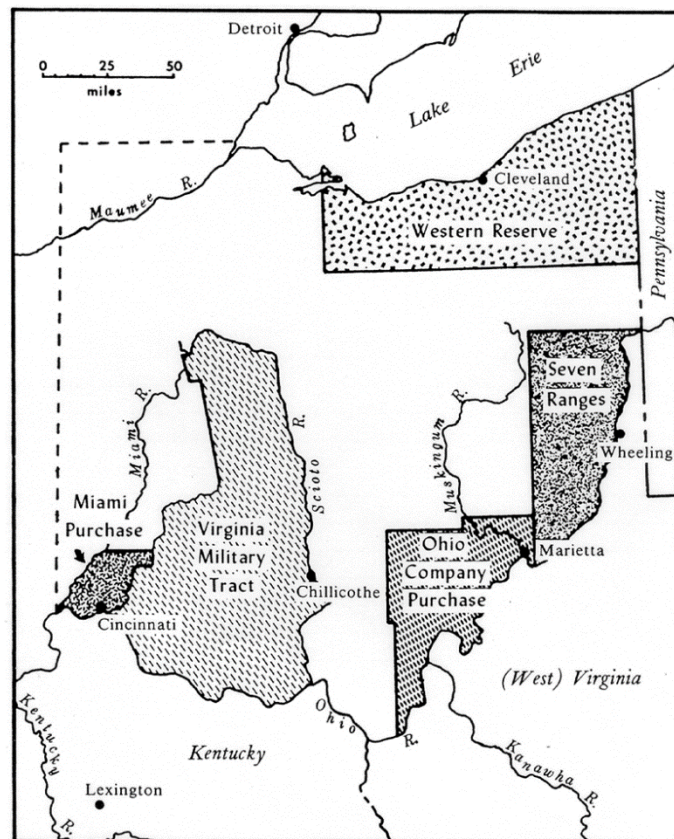
square, surveyed into thirty six sections of 640 acres. Once these first seven ranges would be surveyed, the geographer's plats would be transmitted to Congress, who would then advertise the lands in each state prior to holding public auctions. Township 1 of the first range would be sold whole, followed by the sale of individual sections in township 2. In the second range, township 1 would be sold by sections and township 2 sold whole, and so on. No acre was to be auctioned for less than \$1, and was to be paid at the time of sale, or else the lands would be forfeited back to the United States. In each township the U.S. reserved sections 8, 11, 26, and 29 for future sales, and lot 16 would be reserved "for the maintenance of public schools." Also the U.S. retained a third part of all gold, silver, copper, and lead mines to be found—wishful thinking on their part.³⁶

New Hampshire's delegation's take on the finalized ordinance seemed to indicate what Timothy Pickering and Rufus King had in mind. While they had "the most confident expectation that in its operation it will considerably diminish the domestic debt by absorbing a great number of the public securities," the delegation also fully understood the reasons for surveying in large townships. Even though the ordinance included the sale of smaller sections, they asked "the citizens of New Hampshire, whether associations may not be formed for the purchase of townships in this territory for future settlements or dispositions with advantage the distance notwithstanding."³⁷ That "advantage" referred to profits for the associations' members. Such an understanding of the plan would go on to dominate Northern—and eventually Federalist—

³⁶ "Land Ordinance of 1785," in *Territorial Papers*, 2:12-18.

³⁷ The New Hampshire Delegates to the President of New Hampshire (Meshech Weare), 29 May 1785, in *Ibid.*, 8:130.

thinking towards federal land sales for the next fifteen years.³⁸ Before the public was even able to make a purchase land companies would be formed and their associates would begin talks to contract for millions of acres of land, and the cash strapped government was happy to negotiate prices. Such contracting would not last long however, and even despite abysmal numbers in public sales, the Federalist dominated government would insist on maintaining the present system.



Ohio Lands

³⁸ Paul Gates argued that “It cannot be said that the sale of land by townships was included in the Ordinance of 1785 to favor speculators.” *Public Land Law*, 68-69. This seems to be naïve at best.

In January of 1786 an advertisement could be found in the newspapers of Massachusetts calling for a meeting of “Officers and Soldiers who have served in the late War [...] and also all other good Citizens who wish to become adventurers.” The purpose of the meeting was to draw up a plan of association for all those who were “determined to become purchasers, and to prosecute a settlement” in the Northwest Territory. The name of the association would be The Ohio Company of Associates.³⁹ Eleven men met at the Bunch of Grapes Tavern in Boston in late February to discuss the plan, and by early March had drawn up articles of agreement. As their compact stated, “the design of this association is to raise a fund in Continental Certificates, for the sole purpose and to be appropriated to the entire use of purchasing Lands in the Western territory (belonging to the United States) for the benefit of the Company and to promote a settlement in that Country.” Between five hundred thousand and a million dollars would be raised to buy lands on terms “according to” the Land Ordinance of 1785, “or on any other plan that may be adopted by Congress not less advantageous to the Company.”⁴⁰ Among the members, Samuel H. Parsons, Rufus Putnam, and Rev. Manassah Cutler were chosen as Directors, and William Sargent was chosen as Secretary.⁴¹

A year later Samuel H. Parsons wrote to Congress on behalf of the Ohio Company. He informed Congress as to the status of the “memorialists,” stating that many “were Officers & Soldiers of the late federal Army.” More importantly, he added that “others are public Creditors who are desirous of a Satisfaction of their Debts in the federal Lands, and for that purpose have associated for purchasing and Settling a Tract of Country in the ungranted Lands.” Agreeable to the plan of association, he made an offer between five hundred thousand and a million dollars for

³⁹ “Origin of the Ohio Company,” in *The Records of the Original Proceedings of the Ohio Company*, ed. Archer Butler Hubert, 2 vols. (Marietta: Marietta Historical Commission, 1917), 1:1-4.

⁴⁰ “Proceedings of the first General Convention at Boston Commonwealth Mass^{ts},” in *Ibid.*, 4-11.

⁴¹ “Second General meeting of the Ohio Company,” in *Ibid.*, 12.

“a Tract of Country within the Western Territory of the United States at some convenient Place.”⁴² This letter was followed by a petition by Parsons outlining the company’s proposal for all the land laying between the seventh range of townships and the Scioto River, and south of the tenth township at a price of “7/12 of a dollar, per Acre.” A payment plan was structured to pay \$250,000 upfront. The land would then be surveyed, and following a second payment of \$400,000 the company could take possession of the lands, and then pay the remainder off in six installments every six months. Also, the Ohio Company offered to survey the land to conform with the land ordinance, and that sections 16 and 29 would be reserved for the support of education and religion.⁴³ Such a proposal offered solutions to all of the concerns the federal government had over the western territory—a loyal citizenry and the extinction of debt with public creditors—and it was happy to enter into negotiations.

Prior to Parson’s memorial, Nathaniel Sackett had presented a memorial to Congress as well, asking for all the land lying between the Scioto and Muskingum Rivers, stretching from the Ohio River to Lake Erie, but it never reached the floor. While the Ohio Company offered to settle its purchase with veteran officers of the Continental Army, Sackett proposed settlers who could “produce satisfactory testimonials of his attachment to the American cause during the late struggle for the establishment of our independence.”⁴⁴ This may seem like a very slight distinction, but as Charles Royster has shown, many early nationalists—most of whom served on the Continental line—had lost “confidence in the virtue and the patriotism of most of their fellow revolutionaries.” A bond of brotherhood had developed amongst the Continental officers who came to regard their efforts in the war as unselfish and virtuous compared to the “popular selfishness and neglect” found in state militias, ideas in line with the republican mindedness of

⁴² “Memorial of Samuel H. Parsons And Associates,” in *Territorial Papers*, 2:29.

⁴³ “Proposals of S. H. Parsons and Others for Purchase of Lands,” in *Ibid.*, 2:52-54.

⁴⁴ Nathaniel Sackett, *A Memorial, &c.* (New York: S. Kollock, 1785), 4.

Congressional leaders.⁴⁵ Sackett also wished to “prevent land-jobbing,” suggesting that “no one of the settlers be allowed to sell his land” within a span of several years, something totally contrary to Timothy Pickering’s preferred system.⁴⁶ As to why Sackett’s memorial was never read before Congress, it was probably the price he suggested to pay for the land: “That no consideration be paid the United States thereof, except an ear of Indian corn annually, if demanded, as an acknowledgment of their sovereignty.”⁴⁷

The Ohio Company proposal could not have come at a better time for the government. Work on laying out the surveys moved at a drudgingly slow pace under Geographer Thomas Hutchins. By 1787 he had only completed four ranges of townships, with three more required before sales could commence.⁴⁸ Congress was slowly becoming disenchanted with what was already a fragile ordinance. According to Charles Pettit of Pennsylvania some in Congress were beginning to see the ordinance as “impracticable,” and wished for it “to be radically changed.”⁴⁹ Rufus King held his ordinary “doubts” about the ordinance, and in conversation with Samuel Meredith of Pennsylvania agreed with Meredith’s belief in “the little chance of even the Expences” of the survey being “defrayed by” the sales.⁵⁰ Even Thomas Jefferson was skeptical. “I am uneasy at seeing that the sale of our Western lands is not yet commenced,” he wrote to

⁴⁵ Charles Royster, *A Revolutionary People at War: The Continental Army and American Character, 1775-1783* (Chapel Hill: The University of North Carolina Press, 1979), 193-194, 268-269. See also: Royster, *Light-Horse Harry Lee and the Legacy of the American Revolution* (New York: Alfred A. Knopf, 1981), and Caroline Cox, *A Proper Sense of Honor: Service and Sacrifice in George Washington’s Army* (Chapel Hill: The University of North Carolina Press, 2004).

⁴⁶ Sackett, *A Memorial*, 4.

⁴⁷ *Ibid.*, 3.

⁴⁸ R. Douglas Hurt, *The Ohio Frontier: Crucible of the Old Northwest, 1720-1830* (Bloomington, IN: Indiana University Press, 1996), 150-152.

⁴⁹ Charles Pettit to Jeremiah Wadsworth, 14 May 1786, in *Letters of Congress*, 8:361.

⁵⁰ Rufus King to Elbridge Gerry, 4 June 1786, and Samuel Meredith to Thomas FitzSimons, 26 Nov. 1786, in *Ibid.*, 8:380, 513.

James Madison. “That precious fund for the immediate extinction of our debt will I fear be suffered to slip thro’ our fingers.”⁵¹

Dealing with the Ohio Company was no small feat. One of the associates’ requests was for a system of colonial government for the territory, and the Congress was happy to oblige. Developing a system of territorial government would prove far more political than imagined, as it not only became a bargaining chip for selling land to the Ohio Company, but also as leverage between various factions within the Constitutional Convention being held in Philadelphia. Property rights established in the Northwest Ordinance would alleviate economic fears the associates had with western settlement.⁵² The exclusion of slavery, something added at the last moment, would serve as a compliment to the Three-Fifths Clause and the Fugitive Slave Clause in the Constitution as yet another concession by Northerners to the slave power of the South; the logic of the South’s support of an anti-slavery clause “was agreed to by the Southern members for the purpose of preventing Tobacco and Indigo from being made on the N.W. side of the Ohio.”⁵³ Finally, the ordinance would serve as a vehicle for territorial management, binding settlement to the land, and land to the federal government.⁵⁴

The “temporary government” called for an appointed governor, along with three judges, who would make and uphold laws, but only on the model of previously existing state laws. When 5,000 free, adult white male inhabitants resided in the territory, the governor could announce the second stage of government, featuring a bicameral legislature. One branch would consist of the General Assembly, elected from amongst territorial residents who owned at least

⁵¹ Thomas Jefferson to James Madison, 20 Jun 1787, in *Papers of Jefferson*, 11:481.

⁵² Onuf, *Statehood and Union*, 43-45.

⁵³ William Grayson to James Monroe, 8 Aug. 1787, in *Letters of Congress*, 8:632; Finkelman, “Slavery and the Northwest Ordinance,” 345; Staughton Lynd, “The Compromise of 1787,” *Political Science Quarterly* 81, no. 2 (Jun., 1966): 225-250.

⁵⁴ Malcolm J. Rohrbough, “‘A Freehold Estate Therein’: The Ordinance of 1787 and the Public Domain,” *Indiana Magazine of History* 84, no. 1, The Northwest Ordinance (March 1988): 46-59.

200 acres of property. These legislators would be selected by the electorate, who in turn had to be adult, white males who owned at least fifty acres of property. Laws would still have to be adopted from previously existing state laws. The second branch would be a Legislative Council, nominated by the General Assembly and approved by Congress. A bill of rights also helped to bind the territory to the union, promising the creation of republican states once the population reached 60,000, as well as the rights of religious freedom, habeas corpus and a trial by jury. Education would be promoted, and the new states would share in both the benefits and burdens of the other states. Finally, “neither Slavery nor involuntary Servitude” would be lawful in the territory, except as punishment for crimes.⁵⁵

Once the Northwest Ordinance was signed, Cutler, Putnam, and Parsons made a formal proposal to the Congress offering to purchase the lands west of the seven ranges, east of the Scioto River, and south of the boundary of the tenth township, with pre-emption rights to three additional townships outside this tract, if they chose to purchase them. They offered “7/12 of a dollar, per Acre, payable in any y^e securities of the United States,” made in two large installments and six smaller ones, without interest. In order to sweeten the deal for Congress, the company promised to continue the regular mode of survey of the 1785 ordinance.⁵⁶ By the agreement of the associates, each member would own on average 1,240 acres, more than enough not only to provide for their well-being, but to engage in speculation as well.⁵⁷ Congress approved the sale in October of 1787.⁵⁸

⁵⁵ “Ordinance of 1787,” in *Territorial Papers*, 2:39-50.

⁵⁶ “Proposals of S. H. Parsons and Others for Purchase of Lands,” and “Manassah Cutler and Winthrop Sargent to the Board of Treasury,” in *Ibid.*, 2:52-54, 61-62.

⁵⁷ Hurt, *Ohio Frontier*, 157.

⁵⁸ “Indenture Between the Board of Treasury and Manassah Cutler and Winthrop Sargent,” in *Ibid.*, 2:85-88.

By contracting with the Ohio Company Congress was engaging in a style of patronage similar to the English “court” politics described by historian John Murrin.⁵⁹ Congress saw fit to appoint many members of the Ohio Company to positions of power in the new territorial government. Winthrop Sargent became the Secretary (lieutenant governor), Samuel Holdens Parsons was appointed as one of the three territorial judges, and Rufus Putnam went on to become the Surveyor General of the United States. Edward Carrington of Virginia was unfazed by the deal, writing to James Monroe that he held it “a great bargain for the U.S. as the Land goes both good and bad together, and it will be a means of introducing into the Country, in the first instance, a description of Men who will fix the character and politics throughout the whole territory, and which will probably endure to the latest period of time.”⁶⁰ In letter to Thomas Jefferson, Carrington felt that the United States would cease surveys, instead contracting with “companies of adventurers” to do the work for them.⁶¹ Nathan Dane of Massachusetts, a principal architect of the Northwest Ordinance, was “fully agreed” with the appointment of Sargent as Secretary.⁶² Richard Henry Lee was confident that the agreement would aid in “demolishing the Ocean of public Securities.”⁶³ All the concerns over the western territory seemed to be on the road to relief.

The “Garden of America,” as associate member Benjamin Tupper called the Ohio Country, was appealing to the New Englanders for a variety of reasons.⁶⁴ Easterners were still concerned over the possibility of political disunion between east and west, and most understood the geo-political consequences the young nation faced while existing in a British dominated

⁵⁹ Murrin, “The Great Inversion,” 379-384.

⁶⁰ Edward Carrington to James Monroe, 7 Aug. 1787, in *Letters of Congress*, 8:632.

⁶¹ Edward Carrington to Thomas Jefferson, 23 Oct. 1787, in *Ibid.*, 8:660-661.

⁶² Nathan Dane to Rufus King, 12 Aug. 1787, in *Ibid.*, 8:636.

⁶³ Richard Henry Lee to George Washington, 15 July 1787, in *Letters of Lee*, 2:425.

⁶⁴ Benjamin Tupper to George Washington, 26 Oct. 1785, in *Papers of Washington*, 3:323.

hemisphere.⁶⁵ Manasseh Cutler understood this, and felt that luring industrious settlers to the west would defray British influence. In order to convince such settlers to move west—and buy his land—he penned the pamphlet *An Explanation of the Map Which Delineates that Part of the Federal Lands*. Besides geo- and topographical information, it is filled with the economic prospects the land may yield, with emphasis on shipbuilding and merchant opportunities. Cutler also included a bit about future education, as well as the political stability that a pro-federal settlement would offer. Such advantages Cutler had no doubt would lay the foundation for “the center of a great Empire.”⁶⁶



Rufus Putnam's Land Office, Marietta, OH (photo by author)

Rufus Putnam was a nationalist too, suggesting to George Washington in 1783 that a military colony of two million acres be established in the Ohio Country. Contrary to what he

⁶⁵ See Sam W. Haynes, *Unfinished Revolution: The Early American Republic in a British World* (Charlottesville, VA: Virginia University Press, 2010).

⁶⁶ Manasseh Cutler, *An Explanation of the Map which Delineates that Part of the Federal Lands...* (Salem, MA: Dabney and Cushing, 1787), quote on 14.

would engage in four years later, Putnam informed Washington that he and other officers wished “to guard against large patents being granted to individuals, as in their opinion such a mode is very injurious to a country, and greatly retards settlement.” Putnam suggested that those who actually settled the land should be granted more than those who did not.⁶⁷ Why then would Putnam engage with the Ohio Company? Massachusetts had begun experiencing growing competition during the post-Revolution economic boom, especially for agricultural products. Small farmers were soon being outmatched by growing estates whose hired labor could produce more than the family unit could. As these estates expanded, available land quickly dried up, and even though established farmers could still get by on what land they had, their children would not be so fortunate. Emigration ensued as many sought opportunity elsewhere, which had been the common New England practice for dealing with overpopulation since the 1600s.⁶⁸ An avid reader, Putnam was familiar with this historical practice.⁶⁹ The Northwest Territory would become a haven for Putnam and others, where they did not have to deal with change and competition, where a man like Putnam could retain his societal position of prominence and standing.

The sale to the Ohio Company was an integral move by the federal government in securing its authority within the extended republic. The consent of the eastern states, especially

⁶⁷ Rufus Putnam to George Washington, 16 June 1783, in William Parker Cutler and Julia Perkins Cutler, eds., *Life, Journals, and Correspondence of Rev. Manasseh Cutler, LL.D.*, 2 vols. (Athens, OH: Ohio University Press, 1987), 1: 167-170.

⁶⁸ Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990), 63, 121-122; Oscar Handlin and Mary Flug Handlin, *Commonwealth: A Study of the Role of Government in the American Economy: Massachusetts, 1774-1861*, revised ed. (1947; Cambridge, MA: The Belknap Press of Harvard University Press, 1969), 59-60.

⁶⁹ This is in reference to Putnam’s ownership of Thomas Hutchinson’s histories of Massachusetts. See: Rufus Putnam, estate inventory, dated June 14, 1824, record book 3, p. 174, Washington Country Probate Court, Marietta, Ohio. For Hutchinson, see: *The History of the Province of Massachusetts-Bay...* (London: Thomas & John Fleet, 1767), 331-332.

Virginia, to relinquish their western land claims to the Confederation without the use of armed coercion was a testament to the classical republican idea of the common good. Such a large commitment to the “public interest” showed the belief in a Continental system that had not existed prior to the Revolution. This willingness of the people (at least nationalists) to contract with the government for the lands without any fear of fraud or uncertainty over title attests to the superiority the federal government had in such matters that the various states did not. This could only continue though so long as the township-section compromise continued.

As mentioned before, a land company bonanza ensued following the Revolution. Associations and prominent speculators began buying acreage by the hundreds of thousands, much of which had uncertain title. William Cooper’s Ostego patent in upstate New York was disputed with the heirs of George Croghan.⁷⁰ On the Maine frontier, a difference in ideology prompted squatters to proclaim legitimate title to the land, arguing that they had transformed wilderness into property with their own labor. Landlords, meanwhile, favored their legal titles stemming from the Crown and colonial legislatures.⁷¹ Pennsylvania and Connecticut were engaged in a dispute over part of the Susquehanna Valley, with court cases occurring throughout the 1780s and 1790s.⁷² In 1792 Pennsylvania passed an act that opened the lands around the Allegheny River for sale, but only in tracts of 400 acres and a requirement of a four year occupation. Land companies still took advantage, acquiring hundreds of warrants with fake names on each, and offering tracts of 200 acres to actual settlers while retaining the other 200 for future sale. This process became chaotic when settlers could not be found and the land

⁷⁰ Taylor, *William Cooper’s Town*, 65-85.

⁷¹ Taylor, *Liberty Men*, 25, 28, 101-103.

⁷² Mancall, *Valley of Opportunity*, 163.

companies tried to save their investments in court by claiming the 1790s Indian war discouraged settlement.⁷³

Similar problems would soon jump from state lands to federal lands. While Congress was still considering the Ohio Company's offer, John Cleves Symmes of New Jersey petitioned for a grant of land "similar in form and matter" of Samuel Parson's proposal, "differing only in quantity and place." Symmes wished for over a million acres lying between the Little and Great Miami Rivers, and Congress was happy to oblige.⁷⁴ William Grayson was ecstatic when he wrote to James Monroe that "Congress [is] *now* looking upon the Western country in its true light, i e., as a most valuable fund for the total extinctionment of the domestic debt."⁷⁵ Inability to pay for the lands though forced Symmes to renegotiate with Congress, reducing the purchase to a little over 300,000 acres. Before all of this was finalized in 1792 though, Symmes had begun selling lands along the Little Miami that were not included in his Miami Purchase. As R. Douglas Hurt simply put it: "Symmes did not care." It was part of his plan to induce Congress to issue him a larger patent on the basis that he helped settle the country. Such practices would soon prove disastrous for the settlers of the region.⁷⁶

Meanwhile, in 1792 Virginia opened its military district west of the Scioto River, which had been retained in the 1784 cession for the benefit of Virginia veterans. It did not take long though for speculators to begin taking advantage of the land, contracting for the purchase of bounty certificates and locating them in the district. Surveyors usually retained a large amount of the bounty as payment for their services, sometimes up to half the total acreage. Without the

⁷³ Elizabeth Buck and Solon J. Buck, *The Planting of Civilization in Western Pennsylvania* (Pittsburgh: University of Pittsburgh Press, 1939), 204-228; R. Nathan Hale, "The Pennsylvania Population Company," *Pennsylvania History* 16, no. 2 (April, 1949): 122-130.

⁷⁴ "Petition of John Cleves Symmes For a Grant of Land," in *Territorial Papers*, 2:70-71.

⁷⁵ William Grayson to James Monroe, 22 Oct. 1787, in *Letters of Congress*, 8:659.

⁷⁶ R. Douglas Hurt, *The Ohio Frontier: Crucible of the Old Northwest, 1720-1830* (Bloomington: Indiana University Press, 1996), 160-164.

regulations of the land ordinance affecting the district, surveyors continued the metes and bounds system of Virginia, marking out the best lands in unsymmetrical plots.⁷⁷ Nathaniel Massie, a Virginian who had been surveying in Kentucky prior to 1792, saw the advantages of the district. Accumulating tens of thousands of acres, he began laying out towns along the Ohio and Scioto Rivers, and their tributaries. To help entice the settlement of these towns, Massie directed his indentured servants—former slaves whom he probably forced into indentures to retain their labor—to plant corn fields, the produce of which would supply the pioneers. By sponsoring these towns and providing the means for settlement to many immigrants, Massie’s wealth and popularity soared, securing him several positions in the territorial government.⁷⁸

While on paper the Miami Purchase and the Virginia Military District were inherently different schemes, the process on the ground was virtually the same, and also threatened the federal government’s preference for compact settlement. Outside of the Ohio Company purchase, population patterns were sparse. Speculators contracting with Symmes in the Miami Purchase and locating surveys in the Military District operated solely with profiteering in mind, locating settlements based on land values, and encroaching nearer and nearer to Native American settlements.⁷⁹ It should be no surprise that only two years after the Miami Purchase the Northwest Indian War broke out.

War in the territory showed just how quickly the federal government come into its own as the arbiter of national authority. Under the Confederation, troops in the Ohio Country under the command of Josiah Harmar were intended to protect Thomas Hutchins and his surveyors, and to dissuade intruders onto the public lands which would both undermine the Land Ordinance and

⁷⁷ Hurt, *The Ohio Frontier*, 166-168.

⁷⁸ John McDonald, *Biographical Sketches of General Nathaniel Massie, General Duncan McArthur, Captain William Wells, and General Simon Kenton...*, (Cincinnati: E. Morgan and Son, 1838), 7-61.

⁷⁹ Beverley W. Bond, Jr., *The Civilization of the Old Northwest: A Study of Political, Social, and Economic Development, 1788-1812* (New York: The Macmillan Company, 1934), 317; Hurt, *The Ohio Frontier*, 204-206.

provoke Native American retaliation.⁸⁰ Four years later the new federal government changed Harmar's orders, and he was to lead an expedition north to engage hostile Indians and force a peace. He was defeated however, and the following year Governor Arthur St. Clair led a larger force towards the Miami villages. A coalition of Indian tribes under the command of Little Turtle surprised St. Clair, and his force suffered one of the greatest defeats the United States Army has ever experienced. In 1794 an even larger force was assembled under the command of General Anthony Wayne, and at the Battle of Fallen Timbers the United States came out victorious over the coalition forces of Little Turtle and Blue Jacket.⁸¹

The efforts of the federal government to establish military superiority in the Northwest Territory was meant not only to assert its dominance in the region, but also to secure its property holdings in the national domain, as well as provide security to the speculators buying it.⁸² This method of contracting with merchant-speculators had displaced the compromise reached by Grayson and King in a span of only five years, and Federalist leaders were quick to promote it. In 1790 Alexander Hamilton presented his "Plan for Disposing of the Public Lands" to Congress. He explained that three types of purchasers for the land were possible:

monied individuals and companies, who will buy to sell again; associations of persons who intend to make settlements themselves; single persons, or families now resident in the western country, or who emigrate thither hereafter. The two first will be frequently blended, and will always want considerable tracts. The last will generally purchase small quantities. Hence, a plan for the sale of western lands, while it may have due regard to the last, should be calculated to obtain all the advantages which may be derived from the two first classes.⁸³

⁸⁰ Cayton, *Frontier Republic*, 8.

⁸¹ Hurt, *The Ohio Frontier*, 105-142.

⁸² Andrew R. L. Cayton, "'When Shall We Cease to Have Judases?' The Blount Conspiracy and the Limits of the 'Extended Republic,'" in *Launching the "Extended Republic": The Federalist Era*, eds. Ronald Hoffman and Peter J. Albert (Charlottesville: The University Press of Virginia, 1996), 169-170.

⁸³ Plan For Disposing Of The Public Lands, 22 July 1790, *American State Papers: Public Lands*, 1:4-5. Paul Gates contended that Hamilton's plan "disregarded, almost to the point of unawareness it would seem, the Land Ordinance of 1785." As mentioned before though, Gates did not see the ordinance as preferential to speculators, making Hamilton's plan foreign to him. *Public Land Law*, 122-123.

Hamilton's preference for "monied individuals" over actual settlers is easy to explain: He was a speculator in these lands. Gordon Wood and Ron Chernow have both claimed that Hamilton avoided corruption while in office, and Wood states that although "Hamilton knew that many Federalists were using their governmental connections to get rich, [he] did not want to be one of them."⁸⁴ Unfortunately this is not true. In his 1790 report on public credit Hamilton argued that by increasing the federal debt, the influx of capital into the country would result in a higher price for "landed property." The "decrease, in the value of lands," Hamilton asserted, "ought, in a great measure, to be attributed to the scarcity of money. Consequently whatever produces an augmentation of the monied capital of the country, must have a proportional effect in raising that value."⁸⁵ Once Hamilton had secured this policy through the Assumption Act, he then contracted with the Ohio Company in 1792, becoming the principal shareholder of the company.⁸⁶

Not only did Hamilton structure government policy with European investment in mind, but also his personal finances as well. Three years after investing in the territory, Robert Troup wrote to Hamilton informing him of "English & Dutch Capitalists" who wished for the "purchase of several millions of acres" in the "N. W. territory of the United States." Troup was convinced by the plan, and offered a partnership to Hamilton. "Why should you object to making a little money in a way that cannot be reproachful," Troup asked. "The lands of the United States like the lands of individuals in my opinion are fair objects of speculation and I

⁸⁴ Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 232-233; Ron Chernow, *Alexander Hamilton* (New York: The Penguin Press, 2004), 483-484.

⁸⁵ Alexander Hamilton, "Report Relative to a Provision for the Support of Public Credit," in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett, et. al. (New York: Columbia University Press, 1961-1979), 6:71-72. See also Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 114-123.

⁸⁶ "Receipt to Rufus Putnam," May 21, 1792, in *Papers of Hamilton*, 26:670-671; Hubert, *Records of Ohio Company*, 2:235-242.

cannot attach any share of dishonor to this species of commerce,” he argued.⁸⁷ Troup also informed Hamilton that John Jay and Stephen Van Rensselaer were prospective partners. Hamilton did not immediately turn down the offer, but was pessimistic, stating to Troup that he wished “to avoid large or complicated speculations especially where foreigners are concerned.” The “great crisis in affairs of [man]kind” occurring in Europe deterred Hamilton.⁸⁸ With Napoleon overrunning the Netherlands, Dutch capital in America would soon dry up, followed by depreciated land values.⁸⁹

Under Hamilton’s watchful eye the West was transformed into a speculator’s empire. The compromise that had originally been planned was just as quickly done away with for the shared interests of land companies and republican minded, debt fearful Congressmen. Prominent Federalists such as New Jersey Congressman Jonathan Dayton (Speaker of the House of Representatives) and Pennsylvania Senator James Ross (president pro tempore of the Senate) heavily invested in western lands.⁹⁰ Throughout the mid- and late-1790s such men would extend their influence to retain the system that benefited their private interests. Obstinacy would come with a price though, as the rumblings of a discontented Republican Party and the expertise of the Northwest Territory’s most prominent settlers would cause a break in the status quo, and these forces would eventually succeed in abolishing the preference for speculators, switching the polarity of federal land policy towards Jefferson’s neo-Harringtonian ideal.

⁸⁷ Robert Troup to Alexander Hamilton, 31 March 1795, in *Papers of Hamilton*, 18:310.

⁸⁸ Alexander Hamilton to Robert Troup, 13 Apr. 1795, in *Ibid.*, 18:328-329.

⁸⁹ Herbert E. Sloan, “Hamilton’s Second Thoughts: Federalist Finance Revisted,” in *Federalists Reconsidered*, eds. Doron Ben-Atar and Barbara B. Oberg (Charlottesville: The University of Virginia Press, 1998), 64-65.

⁹⁰ Hurt, *The Ohio Frontier*, 204; Sears, *Thomas Worthington*, 26.

Part II:
“A Very Great Quantity of Land Has Been Sold:” Harringtonian Land Reform

Early opposition to the land policy was scant. With hundreds of thousands of acres being sold to “monied individuals,” and a party of nationalists on their way to settle the territory, the Federalists had little to gain from a change in policy. Opposition would come, since Republicans were rising in opposition to the Federalists. In both print and on the floor of Congress the Republicans, and some moderate Federalists, would support a policy more geared to achieving ideologically based notions, while most Federalists remained adamant about their economic and political motivations. Progress was made by a Republican leaning House of Representatives towards a more equal distribution of land in 1796, but it was ultimately denied by a confident, Federalist dominated Senate who reaffirmed the policy of 1785 with the Land Act of 1796.

In 1798, a new player in land policy emerged in Thomas Worthington. Despite his apparent influence on the Senate, the now Federalist dominated House rejected new legislation. By 1800 however, it was clear that the Land Act of 1796 had failed. To make matters worse, George Washington’s retirement and death, Alexander Hamilton’s exit from public office, and political turmoil across the country following the Alien and Sedition Acts left the Federalists in a peculiar situation. With his political opponents’ power waning, Worthington was thus able to maneuver behind the scenes in Washington while a young William Henry Harrison worked diligently in committee to construct a new land policy. Signed into law by Harrington sympathizer John Adams, the Land Act of 1800 became the first step towards achieving the republican model advocated in Jefferson’s *Notes on the State of Virginia*.

In December of 1795 the House appointed a committee to “prepare and bring a bill or bills for establishing offices for the purpose of granting lands within the territories.”¹ A month later South Carolina Federalist William Loughton Smith reported a bill for the House to consider.² It was befitting that Smith reported the bill, for he was heavily involved in financial speculation during the early 1790s, and the Congressional debates points towards a bill favoring speculators.³ The final bill would offer newly surveyed lands in quarter townships of three miles square, the retention of every other township in sections of 640 acres, a new minimum price of \$2 per acre, the addition of a land office, and purchase credit provided for one year.⁴

Debate over the bill carried the same lines of argumentation that the 1785 ordinance had, including size of the tracts and whether settlers or speculators should be favored.⁵ Serious debate came when James Holland motioned to reduce the size of the sections from 640 acres to 160 acres. It was negated “without debate.”⁶ Jeremiah Crabb, a Federalist, then offered a compromise, suggesting to sell half of the sections in lots of 160.⁷ He was immediately attacked by his own party. Thomas Hartley argued that such surveys would be too much of an expense, and William Cooper cited that small lots were always bought in Pennsylvania and New York by speculators, not actual farmers.⁸ Crabb fired back with a lengthy defense of his amendment: “The dividing of the land into small lots would put it into the possession of real proprietors,” he said, “and have a tendency to make good Republicans instead of servile tenants

¹ *House Journal*, 4th Cong., 1st Sess., 381.

² *House Journal*, 4th Cong., 1st Sess., 427.

³ For William Smith’s speculations see: George C. Rogers, Jr., *Evolution of a Federalist: William Loughton Smith of Charleston (1758-1812)* (Columbia, SC: University of South Carolina Press, 1962), 235-236

⁴ Act of May 18, 1796, ch. 24, 1 *Stat.* 464-469.

⁵ *Annals of Congress*, 4th Cong., 1st Sess., 328-29, 332, 334-37, 339-44; *House Journal*, 4th Cong., 1st Sess., 447-448.

⁶ *Annals of Congress*, 4th Cong., 1st Sess., 856-857.

⁷ *Ibid.*, 858.

⁸ *Ibid.*, 859.

dependant upon tyrannical landlords.” Crabb’s argument contained ideas from both republicanism and liberalism. Eastern lands had become too expensive, he said,

and becoming independent, was lost; and the rents of lands had risen so high, that the tenants sorely felt the oppression of their landlords, and their last hope of releasement from this oppression was by emigration to this new country, which they looked on as common property. And will this House...blast this last remaining, this flattering hope, this natural and laudable desire of independence? ...And the man must know but little of human nature indeed, that did not believe that when a man had been in a state of dependence, and by strenuous exertions of industry, rigid economy, and frugality, had saved a small sum, which would scarcely buy him a garden in the old settled countries where land is so high—and has not such a man...the most cogent reasons to move to this new country where he could, with three hundred and twenty dollars, become an independent master of soil sufficient comfortably to support his family on? And give me leave...to tell those gentlemen, that the man possessing one hundred and sixty acres of land, in his own right, under those circumstances, feels the sweets of it as much, and thinks himself as independent, and perhaps more happy, than the lordly nabob that holds a million, not acquired by the sweat of his brow.⁹

His description of the “state of dependence” was very similar to Thomas Jefferson’s take on James Harrington, while his advocacy of the legitimacy of hard labor was liberal. Such a blend of ideas would be crucial in securing the necessary votes for the amendment.

John Williams immediately rose to defend Crabb, stating that Congress “should accommodate useful industrious citizens” rather than putting the “land into the hands of rich speculators to exercise their will upon.”¹⁰ Crabb and Williams’ rhetoric not only contained resemblances to Jeffersonianism, but also featured what Eva Sheppard Wolf has recently called “early national *ideas* or *thought(s)* about free labor.”¹¹ Their praises of the benefits of hard, manual labor highlighted characteristics they thought befitting for a republican citizenry; idle forms of labor, such as speculation and the luxury it created, bred corruption, something no

⁹ *Ibid.*, 860-861.

¹⁰ *Ibid.*, 861.

¹¹ Eva Sheppard Wold, “Early Free-Labor Thought and the Contest over Slavery in the Early Republic,” in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason (Charlottesville, VA: The University of Virginia Press, 2011), 32-48.

republic should tolerate.¹² In stark contrast, William Cooper denounced such a lower class, sticking to his elitist views and claiming that in New York and Pennsylvania “poor men never attended at any sales which had been made for the purpose of purchasing land, but that they always got it from the large purchasers.”¹³ Samuel Smith of Maryland, seeing the deadlock, proposed that half the sections be surveyed as 320 acres, but it did little to change the debate. Crabb saw it as illogical, arguing that if 320 acres could accommodate the settlers, surely 160 could accommodate more.¹⁴

TABLE 1. House Vote on the Crabb Amendment

	320 Acre Proposal	160 Acre Proposal
Federalist Yeas	25	6
Republican Yeas	15	39
Total Yeas	40	45
Federalist Nays	9	29
Republican Nays	36	13
Total Nays	45	42

Source: *House Journal*, 4th Cong., 1st Sess., 495-97; *Political Parties*.

When it was brought to a vote, Crabb’s original 160 acre amendment was victorious. As Table 1 suggests, both parties lacked strong solidarity on Smith’s 320 acre proposal, but both seemed to solidify on Crabb’s. Party unification was something this House was capable of, and it certainly showed that during its vote for the admission of Tennessee into the Union

¹² Kramnick, *Republicanism & Bourgeoisie Radicalism*, 194-98; Pocock, *Machiavellian Moment*, 135; Wood, *Creation of the American Republic*, 108-116, 421-422.

¹³ *Annals of Congress*, 4th Cong., 1st Sess., 861.

¹⁴ *Ibid.*, 867.

(Federalists voted 30 against, 5 in favor, and Republicans 43 in favor, 2 against).¹⁵ When it came to land policy though, regional interests came into play. The delegations from Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey all favored the pro-speculator position of larger tracts. These also happened to be the states that were most likely to lose population from emigration to the West (this was particularly true of Massachusetts).¹⁶ As historian James Banner wrote: “New lands to the west depopulated New England, threatened to reduce her proportional weight in Congress, [and] forced land prices down along the New England frontier.”¹⁷ The same could probably be said of New Jersey as well, where John Cleves Symmes had campaigned extensively with handbills advertising his Miami Purchase, and where newspapers were full of advertisements for farms that were being sold by emigrants.¹⁸ If the federal government were to offer lands not only with the clear titles that the speculators lacked, but also on affordable terms, emigration to the West may have been accelerated to the tune of “150,000 families [who were] waiting to become occupiers of this land.”¹⁹ Loss of this population would put their respective states at a disadvantage in the federal government.

Despite all the debate over the section sizes and the close vote on the floor, the Senate removed the clause when the bill reached its chamber. The committee to which it was referred consisted of five members: James Ross, Rufus King, John Brown, Humphrey Marshall, and

¹⁵ It should be noted that 4 out of 5 of the Federalists who voted for admission were from southern states (1 from MD, 1 from VA, 1 from NC, and 1 from SC); *Annals of Congress*, 4th Cong., 1st Sess., 1473; *Political Parties*.

¹⁶ Brooke, *Heart of the Commonwealth*, 238-239; Tamara G. Miller, “‘Those with Whom I Feel Most Nearly Connected:’ Kinship and Gender in Early Ohio,” in *Midwestern Women: Work, Community, and Leadership at the Crossroads*, eds. Lucy Eldersveld Murphy and Wendy Hamand Venet (Bloomington, IN: Indiana University Press, 1997), 123-124.

¹⁷ James M. Banner, Jr., *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts, 1789-1815* (New York: Alfred A. Knopf, 1970), 109-116, quote on 111.

¹⁸ Bond, *Civilization of the Old Northwest*, 27-28.

¹⁹ This is a figure argued on the floor of Congress by Robert Rutherford, and later reiterated by other members. *Annals of Congress*, 4th Cong., 1st Sess., 329.

Caleb Strong.²⁰ It may be safe to assume that the clause was stricken out in the committee, as all of its members had an interest to do so. Rufus King has already been shown to be a supporter of speculators, and his fellow Senator from Massachusetts, Caleb Strong, has been described by James Banner as a “sedate exemplar of orthodox western Federalism” who possessed a “hypersensitivity toward change and that pervasive fear of competition.”²¹ Both would have been averse towards individual tracts of land. Kentuckian Humphrey Marshall was an ardent Federalist, voting along party lines on almost every measure.²² James Ross of Pennsylvania and John Brown of Kentucky were both prominent speculators in the Virginia Military District (Brown held almost 25,000 acres alone), and had economic incentives to block the competition that the public lands would create.²³

The rest of Federalist dominated Senate had little incentive in 1796 to adopt such a radical proposal from the Republican leaning House. In 1794 the federal government had successfully defended Hamilton’s excise tax against frontier resistance.²⁴ 1795 saw the Senate’s ratification of the Jay Treaty, which was followed by the House’s attempt to block the treaty by denying the funds for its implementation. The Federalists maneuvered quite well around this despite the enormity of Republican opposition, first by threatening to tie the Jay Treaty to the recent Spanish Treaty (which opened navigation of the Mississippi to Americans, something both popular and economically preferred), and their option to rally around President Washington’s still high public approval. Then, as if to solidify the Senate’s superiority, Federalists flooded the House with sixty-four petitions in favor of the Jay Treaty, compared to

²⁰ *Senate Journal*, 4th Cong., 1st Sess., 235.

²¹ Banner, *To the Hartford Convention*, 124, 180.

²² Anderson Chenault Quisenberry, *The Life and Times of Hon. Humphrey Marshall* (Winchester, KY: The Sun Publishing Company, 1892), 57.

²³ Sears, *Thomas Worthington*, 26; Cayton, *Frontier Republic*, 55.

²⁴ This is known as the Whiskey Rebellion. See: Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), especially 93-228.

the forty that opposed it.²⁵ Backing down on this issue was never an option for the Federalists, who feared that if they conceded then their opponents would become further emboldened.²⁶

With national hegemony, international autonomy, and navigation on the Mississippi secure, a growing European market for American foodstuffs, and Hamilton's fiscal programs in full swing, the American economy began to boom.²⁷ Whereas the western lands were to be thought of as a national fund for extinguishing the debt during the Confederation period, under the Constitution this view was obsolete. With the power to tax directly, the federal government was bringing in revenues that far surpassed those of the states combined.²⁸ No longer would the Federalists view the western lands as a source of revenue, but rather, in the words of St. George Tucker, "as a national stock of wealth" that "may be compared to bullion, or coin deposited in the vaults of a bank." Let the states sell their lands to speculators for cheap, Tucker argued, and keep the national domain locked up, "*ready to answer any emergency.*"²⁹

The Land Act of 1796 accomplished nearly nothing. Less than 50,000 acres were sold under it, due in part to the large quantities offered and the price affixed to them. As such, two attempts were made in 1798 and 1799 to alter it.³⁰ Problems with the Symmes Purchase also abounded, with many petitioning Congress for a redress of his shady land sales which, when combined with the inability of settlers to purchase from the government, made actual settlement

²⁵ Sharp, *American Politics in the Early Republic*, 127-33; Elkins and McKittrick, *Age of Federalism*, 420-421, 431-436.

²⁶ Richard Buel, Jr., *Securing the Revolution: Ideology in American Politics, 1789-1815* (Ithaca, NY: Cornell University Press, 1972), 67-71. James Banner argues that the Federalists' support of the treaty was, in their minds, a means of preserving independence. *To the Hartford Convention*, 20-21.

²⁷ Wood, *Empire of Liberty*, 200-202; Appleby, "Agrarian Myth," 841-845.

²⁸ Wood, *Empire of Liberty*, 102-103.

²⁹ St. George Tucker, *Cautionary Hints to Congress Respecting the Sale of the Western Lands, Belonging to the United States* (Philadelphia: William W. Woodward, 1795), 6.

³⁰ Rohrbough, *Land Office Business*, 18-19; Treat, *National Land System*, 92, 100; John Brown to Thomas Worthington, 6 July 1798, TWP, reel 1; *Annals of Congress*, 5th Cong., 2nd Sess., 554, 1926; *American State Papers: Public Lands* 1:73.

difficult.³¹ Thomas Worthington stayed informed on these happenings in Congress through Senators James Ross and John Brown. When proposed alterations made their way into a committee consisting of both Senators, Worthington began corresponding with them over its details.³² Brown informed Worthington that “a bill nearly pursuing [his] ideas on the subject passed the Senate,” but it was “postponed in the H. of Representatives.”³³

Worthington felt that under existing law “one half of the said Lands are directed to be sold in too large Tracts,” and that the “Scarcity of money which is at present Experienced in the United States” made it difficult to purchase such quantities. Purchasing only a section required \$1,280 to be paid within a year, and “if there should be a failure in any payment...of one day. nay an Hour may Subject the purchaser to inevitable Ruin.” He believed in altering “the terms of sale So as to give a longer time for the different payments.” Also, for the convenience of purchasers, he suggested that the lands east of the Scioto River “be offered for sale at the Town of Chillicothe...as persons disposed to purchase can be Comfortably Accommodated.” Worthington, along with several other territorial leaders such as Nathaniel Massie, Edward Tiffin, Paul Fearing, Jacob Burnet, Return J. Meigs, and John Smith, petitioned these ideas to Congress in the summer of 1799.³⁴

Andrew Cayton has argued that the Land Act of 1796 benefitted speculators like Worthington because it set the price of land at \$2 an acre, a high price compared to the lands he and fellow speculators offered in the Virginia Military District. This allowed speculators to

³¹ For the petitions see: “Petition to Congress by Citizens of Hamilton County,” “Memorial to Congress by Citizens of the Territory,” “Memorial to Congress from Citizens of the Territory,” “Petition to Congress by Citizens of the Territory,” “Memorial to Congress from the Territorial Assembly,” “Petition to Congress by Citizens of the Territory,” and “Petition to Congress by Citizens of the Territory,” in Carter, *Territorial Papers*, 3:29-51, 114-120. For the relief acts see: Act of March 2, 1799, ch. 34, 2 *Stat.*, 728-729, and Act of March 3, 1801, chs. 23, 2 *Stat.*, 112-114.

³² *Annals of Congress*, 5th Cong., 3rd Sess., 2201-2202, 2212.

³³ John Brown to Thomas Worthington, 22 July 1799, TWP, reel 1. See also John Brown to Thomas Worthington, 14 Feb. 1799, James Ross to Worthington, 6 March 1799 and 5 Aug. 1799, TWP, reel 1.

³⁴ “Petition to Congress by Citizens of the Territory,” in Carter, *Territorial Papers*, 3:52-54.

undercut the government in land sales, speculators who “neither preached the virtues of stability and controlled development nor feared the dangers of an open, unrestrained, expanding society.” To Cayton the “Scioto gentry did not fear unplanned change; on the contrary, they embraced it as the surest path to natural order.”³⁵ Timothy J. Shannon has also shown how the inactivity of the federal government in offering land to actual settlers benefitted speculators, especially those who were local. It was not until more attention was paid to the western lands that speculators began to feel the burden of competition. As Shannon claims the soon-to-be-passed “Land Act of 1800 confirmed the speculators’ worst fears” by opening local land offices “and allowing four-year credit to purchasers.”³⁶ Unfortunately for Cayton and Shannon’s arguments, the Scioto gentry *did* embrace government “controlled development.” As their petition to Congress suggests, they were very willing to create a more controlled mode for land sales than the system the Federalists had established in 1796. The establishment of local land offices would extend the reach and oversight of the federal government into its territory. By offering credit, the government would also create an aura of mutual respect between citizen and state. And most importantly, by transferring the land directly from the treasury to the settler, uncertainty over title would be remedied, and settlement patterns could be regulated through the land office unlike the unpredictability of speculators.

In reality it was Federalist speculators, such as Jonathan Dayton and James Ross—Easterners who were not part of the Scioto Gentry and were motivated entirely by profit—who had no intention of ensuring orderly settlement. Rather than selling to actual settlers, Dayton wished to “prevail upon Several monied or wealthy men to form a Company & take 15 or 20000 Acres.” Dayton instructed his agent Joseph Vance that “Whenever persons apply with

³⁵ Cayton, *Frontier Republic*, 56-57.

³⁶ Shannon, “This Unpleasant Business,” 25-27.

considerable Sums of money” he should “endeavor to offer them Such Lands & on Such terms as will be acceptable.”³⁷ Ross meanwhile informed Worthington in August of 1799 that “Many of our wealthy people here would be willing to [contract] in purchasing some of the rich Congress lands,” stating it was more “likely that a Company might be formed for [purchasing] lands” than actual settlers.³⁸ Social engineering did not bother Dayton or Ross, who gave no consideration or concern over the actual development of their lands, only its sale.

For Worthington, land reform was very much ideological, and a special blend of republicanism and liberalism formed the core of his political thought. Inspiration for his policy ideas came from his library, which was perhaps the most “enlightened” in the territory.³⁹ Jefferson’s *Notes on the State of Virginia*, Adam Smith’s *An Inquiry into the Nature and Causes of the Wealth of Nations*, Plutarch’s *Lives*, and Lord Kame’s *Sketches on the History of Man* all figured prominently in his intellectual conception of politics. *Notes*, *Wealth of Nations*, and *Lives*, among many others Worthington owned, were all suggested by him for inclusion in the first state library in 1817, a strong sign that he revered these titles.⁴⁰ While his library was not cataloged until 1827, many of its titles would have been readily available to Worthington from 1797 to 1804. Several merchants were offering a variety of books in Alexandria, VA, around the time of Worthington’s departure for the Northwest Territory.⁴¹ A large assortment of books, including Jefferson’s *Notes* and Seneca’s *Morals*, were offered for sale in Cincinnati in 1799

³⁷ Jonathan Dayton to Joseph Vance, 19 Apr. 1802, Joseph Vance Papers, MSS 754, OHS. Various other letters from Dayton to Vance corroborate this desire for quick, hard cash. See Dayton to Vance, 13 May 1802, 31 Oct. 1802, and 10 Nov. 1802, Joseph Vance Papers, MSS 754, OHS.

³⁸ James Ross to Thomas Worthington, 5 Aug. 1799, TWP, reel 1.

³⁹ For the remaining of the chapter, all references to Worthington’s library and reading come from his probate records. See: Thomas Worthington, “List of Books in TWs Library,” 1827, and account of sales, November 16, 1827, Ross County Probate Court Archives, record 7623.

⁴⁰ State Library of Ohio First Accession Book, Ohio Memory, December 25, 1817, accessed January 1, 2015, <http://www.ohiomemory.org/cdm/compoundobject/collection/p267401coll36/id/20929/rec/8>.

⁴¹ “Now Opening,” *Alexandria Times*, May 19, 1797; “Cheap Books,” *Ibid.*, May 19, 1797; “This Evening, will be sold,” *Ibid.*, May 20, 1797; “Just Imported,” *Ibid.*, August 1, 1797; “Cottom’s Book-Store,” *Ibid.*, November 20, 1797.

while Worthington was serving in the territorial legislature there.⁴² Kames' works never appeared in Ohio's newspaper advertisements during this period though, and Smith's *Wealth of Nations* was not offered until 1809.⁴³ However, Worthington was able to borrow books within the territory, evidenced by his quoting of William Blackstone's *Commentaries on the Laws of England* in 1802, a book he did not own at death.⁴⁴ His 1799-1800 trip to Philadelphia would have placed him at the center of cosmopolitan—and American literary—life.⁴⁵ Many of these books could have been borrowed and read there, or even bought as he would have had much excess cash in hand for the purchase of books from settling accounts with eastern speculators whom he acted as land agent for.⁴⁶

No doubt that Thomas Jefferson's notions of corruption and virtue present in *Notes on the State of Virginia* were greatly influential, and a stopping point for Worthington's political philosophy, but the means to getting there were through a very liberal line of thinking. As Isaac Kramnick has explained, republicanism—the belief in equality, sacrificing personal interest for the public good, and the requirements of virtue—is best suited for “people who need not work.” Only in a state of leisure, free from the burdens of agricultural labor, could a citizen adequately develop his civic virtue.⁴⁷ For Jefferson's agrarian republic, such a method of thinking would prove to be inadequate, as the great “mass of cultivators” would be participants in a vast, agricultural economy. The real, time constraining and physically demanding labor of clearing

⁴² “James Forgunson,” *The Western Spy, and Hamilton Gazette*, August 13, 1799; “Wm. & M. Jones, Have the following Assortment of BOOKS,” *Ibid.*, August 20, 1799.

⁴³ “A Catalogue of Books for Sale, By John T. Barr & Co.,” *Scioto Gazette*, September 11, 1809.

⁴⁴ Thomas Worthington to William Goforth, 26 July 1802, PTW, reel 1.

⁴⁵ Henry F. May, *The Enlightenment in America* (New York: Oxford University Press, 1976), 197-211.

⁴⁶ A major critique of Worthington's interest in books is that it was not until late in his first term as a U.S. Senator that he began to refine his personal lifestyle, with the construction of Adena. As Richard L. Bushman has argued, reading was critical to the American's sense of refinement. See Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, 1992), 280-287. However, Worthington's interest in Blackstone and others previous to his Senatorial term does convince me that his personal philosophical education was independent of his physical living conditions.

⁴⁷ Kramnick, *Republicanism and Bourgeois Radicalism*, 1. For the tenets of republicanism, see: Wood, *Creation of the American Republic*, 45-78; Bailyn, *Ideological Origins*, 22-92; Pocock, *Machiavellian Moment*, 462-552.

forests, hauling trees, splitting firewood, plowing fields, removing field rocks, sowing the fields, tending to growing crops, harvesting and thrashing wheat and other produce, trapping and skinning, smoking and salting meat, putting up fences, erecting houses, barns, and mills, caring for livestock, spinning wool, sewing clothing, preparing food, gathering and boiling water, and all the while giving birth and rearing children was conducive to Jefferson's virtuous republic. The ability of the citizens to provide their own sustenance would allow no opportunity for civil corruption. Thus liberalism, "an ideology of work," would be most crucial to securing the blessings of agrarian virtue.⁴⁸

Jefferson's *Notes* and Smith's *Wealth of Nations*, as well as personal experiences and acquaintances, were also critical in helping Worthington shape his anti-slavery convictions. Writing of the relationship between slaves and masters, Jefferson described it as "a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other."⁴⁹ Worthington had personal experience in such "despotism" and "submissions." Following the death of his parents, Worthington was raised by two of his older brothers, both of who treated him as a common house servant. As a young man, he took to sea, and was nearly forced into a British press gang. Practicing Methodists—though not members—Worthington, his wife Eleanor, and his sister and brother-in-law Mary and Edward Tiffin were all friends of Reverend Francis Asbury. A strong opponent of slavery, Asbury would not have praised the family so well in his diary had he suspected them of holding pro-slavery beliefs.⁵⁰ And, as *Wealth of Nations* would have informed Worthington, slavery was

⁴⁸ For liberalism as work, see: Kramnick, *Republicanism and Bourgeois Radicalism*, 1-40.

⁴⁹ Jefferson, *Notes*, 168.

⁵⁰ Sears, *Thomas Worthington*, 10-13, 45; Francis Asbury, *Journal of Rev. Francis Asbury, Bishop of the Methodist Episcopal Church*, 3 vols. (New York: Lane & Scott, 1852), 2:345, 3:286, 319-320, 347-348, 407. For examples of Asbury's anti-slavery stances, see 2:67, 247, 347. For anti-slavery in American Methodism, see: Dee E. Andrews, *The Methodists and Revolutionary America, 1760-1800: The Shaping of an Evangelical*

an inferior labor system to that of freemen. Not only did it require the right type of crops to be profitable, but the mere nature of slavery disallowed production beyond what was generally expected from the slave.⁵¹ Such anti-slavery beliefs would have helped to shape Worthington's conception of the "ideology of work."

Need for labor was evident in John Locke's *Second Treatise of Government*. Property could only be acquired, Locke reasoned, when a man uses the "property in his own person," or rather the "labor of his body and the work of his hands," and interacts with the "state of Nature."⁵² Worthington did not own any of John Locke's works, but he did own Lord Kames' *Sketches*, which was very similar in its emphasis on labor. "Wild animals caught by labour or art," Kames asserts, "are perceived to belong to the hunter or fisher; they become his *property*." Because "man is by nature a hoarding animal," Kames reasoned, "things provided by Providence for [his] sustenance and accommodation were not intended to be possessed in common." This creation of private property would lead to "benevolence" and "charity," but "without private property, there would be no industry; and without industry, men would remain savages for ever." Because labor was necessary to sustaining society, Kames argued that "in any state where great population requires extraordinary culture, the best method is to allow every man to shift for himself and his family; men wish to labour for themselves; and they labour more ardently for themselves than for the public."⁵³

In order to "shift for himself and his family," a man needed land to labor on. Adam Smith's *Wealth of Nations* provided Worthington with further insight. The crown lands of Europe, which Smith saw as "a mere waste and loss of country in respect both of produce and

Culture (Princeton: Princeton University Press, 2000), 124-132; Nathan O. Hatch, *The Democratization of American Christianity* (New Haven: Yale University Press, 1989), 106-107.

⁵¹ Smith, *Wealth of Nations*, 238-239.

⁵² Locke, *Second Treatise*, 15-28; Kramnick, *Republicanism and Bourgeois Radicalism*, 1-2.

⁵³ Henry Home, Lord Kames, *Sketches on the History of Man*, 2 vols. (Edinburgh: W. Creech, 1774), 1:61-65.

population,” could provide an excellent revenue for “the payment of the publick debts,” if only they could be exposed “to publick sale.”⁵⁴ Smith was also adverse to “extensive property,” favoring instead the “small proprietor...who knows every part of his little territory, who views it with all the affection which property, especially small property, naturally inspires.” The “small proprietor” is “generally of all improvers the most industrious, the most intelligent, and the most successful.” Those who labored for the “great proprietors,” working their “extensive estates,” were not as industrious, and lacked the “independency” that the small proprietors had obtained. “A person who can acquire no property,” Smith argued, “can have no other interest but to eat as much, and to labour as little as possible.”⁵⁵

The crossroads between republicanism and liberalism thus becomes clear: republican virtue amongst “small proprietors”—or a “mass of cultivators” as Jefferson called them—depended largely on the equal opportunity to liberally labor for one’s own self, on one’s own land. Much like Europe’s crown lands, the United States’ public lands were also lying in waste, depriving the public from the advantages of not only revenue from sales, but the benefits of cultivation as well. Classical republicans believed that the best way to distribute the benefits of common property was through the implementation of an agrarian law.⁵⁶ Lycurgus, the king of Sparta, had instituted an “equal division of lands, or, in other words, the community of landed property” along with an “annual partition of the harvest.”⁵⁷ Worthington would have read this account in John Gillies’ *History of Ancient Greece*, as well as Plutarch’s account of Lycurgus’s “division of the lands.” As Plutarch wrote, “there was a very strange inequality among the

⁵⁴ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Kathryn Sutherland (1776; New York: Oxford University Press, 2008), 450.

⁵⁵ *Ibid.*, 229, 237, 268.

⁵⁶ Harrington, *Oceana*, 231-41; Pocock, *Machiavellian Moment*, 387-88; Wood, *Creation of the American Republic*, 64-65.

⁵⁷ John Gillies, *The History of Ancient Greece, Its Colonies and Conquests...*, vol. 1 (Dublin: 1786), 117.

inhabitants of Sparta; so that the city was overcharged with a multitude of necessitous persons, whilst the lands and money were engrossed by a few.” In order to “banish out of the commonwealth luxury and arrogance, and every poverty,” Lycurgus “persuaded the people to reduce the whole country to a common stock, to consent to a new division of land, and to live all in perfect equality, allowing the preeminence of virtue only.”⁵⁸ Obtaining virtue by entrusting land to the people was in tune with Thomas Jefferson’s *Notes on the State of Virginia*.⁵⁹



Worthington’s Book Case in his Study (photo by author)

However, an agrarian law, conceived as being beneficial to a republic, was a huge problem for liberalism and its emphasis on private property rights. As James Madison understood it, “in the existing state of American population and American property, the two classes of rights were so little discriminated that a provision for the rights of persons was supposed to include of itself those of property.” Madison asserted that “it was natural to infer

⁵⁸ Plutarch, *Plutarch’s Lives, Translated from the original Greek*, trans. John Dryden, eds. S. Langhorne and William Langhorne, vol. 1 (Edinburgh: C. Elliot, 1795), 158.

⁵⁹ Jefferson, *Notes*, 170-171.

from the tendency of republican laws that these different interests would be more and more identified.”⁶⁰ When Congressman John Van Alen proposed limiting federal land sales to under 640 acres per tract in 1796, he was quick to assure Congress that “he did not, from anything he had said, wish to be considered as an advocate for an Agrarian law.” While he “disavowed any such principle,” he “did not hesitate to acknowledge himself a friend to equality—at least so far as it respects the rights of individuals.”⁶¹

J. G. A. Pocock correctly stated that the abundance of land in America made an agrarian law unnecessary.⁶² For Worthington, the national domain served as the solution for securing republican virtue while respecting liberal property rights. Confiscation of the citizen’s private property was unnecessary because the vast public domain was already held in common by the citizenry. Fostering virtue required that this land would actually make it into the hands of the citizens, and the current laws were not reaching that goal. As a true believer and a man with on-the-ground experience, Worthington would travel to Washington in late 1799 to lobby hard for a change in federal land policy. By presenting himself as a gentleman, complete with a black body servant, Worthington was able to coerce the members of Congress in ways that the squatter’s spelling errors and grammatical mistakes could not.⁶³

The second stage of territorial government was achieved in 1799, allowing the Northwest Territory to select a non-voting member to the House of Representatives. The territorial legislature selected William Henry Harrison for the position.⁶⁴ History has hailed Harrison as

⁶⁰ James Madison, “Madison’s Observations on Jefferson’s Draft of a Constitution for Virginia,” in *Papers of Jefferson*, 6:310. See also: James Madison to Thomas Jefferson, 17 Oct. 1788, in *Ibid.*, 14:19.

⁶¹ *Annals of Congress*, 4th Cong., 1st Sess., 865-867, quote on 867.

⁶² Pocock, *Machiavellian Moment*, 535.

⁶³ Matthew Salafia, *Slavery’s Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia: University of Pennsylvania Press, 2013), 70.

⁶⁴ Hurt, *The Ohio Frontier*, 276.

being the architect of the Land Act of 1800.⁶⁵ This is a rather presumptuous designation, for while Harrison did head the committee in the House charged with reporting amendments to the present land laws, it should not be forgotten that he was selected by the same political leadership back in Chillicothe that had just petitioned similar ideas to Congress, which Harrison did *not* sign.⁶⁶ Harrison was quickly followed to Washington by Worthington who, along with lobbying with Harrison against a proposed act to divide the territory (which was intended to forestall statehood), also made strides toward securing an appointment to the anticipated Chillicothe land office.⁶⁷ It only seems logical that conversations about an appointment to the land office also included talk over the bill's provisions and arguments for its passage.

In December of 1799 Harrison addressed the Congress, claiming “the system which had been adopted for the sale” of the public lands “was capable of considerable improvement.” A committee was formed, in which he would serve with Albert Gallatin and five others.⁶⁸ Three days later the petition signed by Worthington and the other territorial leaders was referred to the committee.⁶⁹ By mid-February Worthington had been in Philadelphia for over a month, and Harrison soon gave his report to Congress. In it he highlighted all the concerns that Worthington had, stating that “a considerable proportion of the lands of the United States may be sold, provided that the land be offered for sale in smaller tracts, the terms of payment to a certain degree extended, and the condition of absolute forfeiture, in case of failure of payment modified.” The committee suggested reducing the size of the tracts to 320 acres, charging purchasers for the additional survey, holding public sales throughout the territory, opening a

⁶⁵ The number of references to the Land Act of 1800 as the “Harrison Land Act,” the “Harrison Frontier Bill,” etc., are too numerous to list here. Treat, *National Land System*, 94, and Hibbard, *Public Land Policies*, 69, makes for adequate citations.

⁶⁶ “Petition to Congress by Citizens of the Territory,” in Carter, *Territorial Papers*, 3:52-54.

⁶⁷ Cayton, *Frontier Republic*, 71; Sears, *Thomas Worthington*, 54; Donald J. Ratcliffe, *Party Spirit in a Frontier Republic: Democratic Politics in Ohio, 1793-1821* (Columbus, OH: The Ohio State University Press, 1998), 36.

⁶⁸ *Annals of Congress*, 6th Cong., 1st Sess., 209-210.

⁶⁹ *Ibid.*, 211.

local land office for private sales (the final bill called for four offices), and offering a four year credit to purchasers.⁷⁰ Several days later the House agreed to these measures, and asked the committee to bring forward a bill containing such.⁷¹

It was brought to the floor in late March. Again, it was William Cooper of New York who objected to the bill, asking that it “be recommitted for the purpose of regulating the quantities to be exposed for sale.” The motion was voted down, and a committee of the whole began debate. Roger Griswold spoke first, and along with Cooper, “Light Horse” Harry Lee, and William Edmond, “moved to strike out the first section,” which included the 320 acre clause. They argued “upon the ground of expense of surveying the lands, which must be very considerable, while the sale would be uncertain.” Gallatin, Harrison, and others countered, claiming “it prevented speculators receiving the advantages resulting from offering the lands in large quantities for sale.” By offering “the whole in lots of 320 acres, which must encourage actual settlers to purchase, and of course increase the price of the purchase,” the added cost of surveying “would therefore be soon refunded to the Treasury.”⁷² The debate continued the following day, and after more back and forth between Harrison and Cooper, Griswold’s motion was voted down. Various amendments were offered, including reducing the size of the sections to 160 acres, and providing “some indulgence” to squatters, both of which failed.⁷³

Amendments were also suggested by the Senate (James Ross, John Brown, and Humphrey Marshall being the committee), but these were later receded in conference.⁷⁴

⁷⁰ William Henry Harrison, et. al., “Report to the U.S. House of Representatives, February 18, 1800,” *The Papers of William Henry Harrison, 1800-1815*, Douglas E. Clannin, ed., reel 1, Indiana Historical Society. For the final bill, see: Act of May 10, ch. 55, 1 *Stat.*, 73-78.

⁷¹ *Annals of Congress*, 6th Cong., 1st Sess., 537-538.

⁷² *Ibid.*, 650-651.

⁷³ *Ibid.*, 652.

⁷⁴ The *Annals of Congress* and the *Senate Journal* offers no clue as to the amendments proposed. See *Annals of Congress*, 6th Cong., 1st Sess., 149, 164-167, 681, 683, 691, 700, and *Senate Journal*, 6th Cong., 1st Sess., 149-150.

The Federalists still dominated Congress though, which begs to question, why their acquiescence to land reform in 1800? As their influence and popularity began to wane from 1798 to 1800, the Congressional Federalists seemed more open to compromise. Most crucial to this loss of popularity were the Alien and Sedition Acts, which united various factions of society together against the Federalists.⁷⁵ Many also began to recognize the connection between Federalists and the pro-speculating aspects of the land policy. The anonymously written *Public Speculation Unfolded in Sixteen Letters* exposed several of Jonathan Dayton's private letters on land speculation to the public. According to the author, Dayton had taken "advantage of his elevated situation, for the purpose of fabricating schemes of speculation" so as to "augment his own pecuniary interest." Such actions by a representative, "in whose patriotism and integrity the country has reposed much confidence," were "seriously reprehensible, and a cause of apprehension and alarm among the citizens of a free country."⁷⁶ Many others were beginning to assign "speculator" as a slur to anyone who did not approve of "the Division of the Lands in the North Western Territory."⁷⁷

Despite passing through Congress, the bill still had one final test though: President John Adams. Adams had been well informed by Richard Henry Lee and others as to the particulars of the Land Ordinance of 1785, but he never offered responses to these men concerning the subject.⁷⁸ Regardless, it is likely that Adams did not agree with the Federalist plan for land sales, and would have held sympathies for the Republicans' proposals. He was against the engrossing

⁷⁵ Douglas Bradburn, "A Clamor in the Public Mind: Opposition to the Alien and Sedition Acts," *WMQ* 65, no. 3 (Jul., 2008): 565-600.

⁷⁶ *Public Speculation Unfolded in Sixteen Letters, Addressed to F. Childs & J. H. Lawrence of New-York* (New York: David Denniston, 1800), 3-17, quotes on 3.

⁷⁷ George Jackson to Albert Gallatin, 5 July 1800, Albert Gallatin Papers, MSS 48512, reel 4, Library of Congress, Washington, D.C; William McKinley to George Jackson, 18 June 1800, in *Ibid.*, reel 4.

⁷⁸ Richard Henry Lee to John Adams, 1 August 1785, Elbridge Gerry to John Adams, 14 July 1785, and 8 Nov. 1785, in *Papers of Adams*, 17:248, 292, 576. See also Arthur Lee to John Adams, 11 May 1784, 12 Aug. 1784, and 6 Mar. 1785, in *Ibid.*, 16:206, 294-295, 546.

of lands, a “feudal connection” he called it. During an argument with some acquaintances over feudal law, Adams was disappointed he did not quote Lord Kames’s *British Antiquities*: “‘It is the plan of the feudal law to bestow the whole land property upon the king, and to subject him to the bulk of the people in quality of servants and vassals.’”⁷⁹ He found that the “manners of Maryland are somewhat peculiar,” where “the object of the men of property” was “universally wealth,” especially the “Landjobbers” and “speculators in land” who gave “little generosity to the public” and had “little public spirit.”⁸⁰ Like Jefferson, Adams was a firm believer in James Harrington’s philosophy, and writing in this context argued that America should

affirm that the balance of power in a society, accompanies the balance of property in land. The only possible way, then, of preserving the balance of power on the side of equal liberty and public virtue, is to make the acquisition of land easy to every member of society; to make a division of land into small quantities, so that the multitude may be possessed of landed estates.⁸¹

Such sentiments were used against Alexander Hamilton’s policies when he compared them to “a Roman senate, in the most corrupt days of that republic” with “patrician monopolies of land.”⁸² Adams would not have hesitated to affix his signature to such neo-Harringtonian land reform.

Thomas Worthington was appointed as the register for the new Chillicothe office, the duties of which immediately entangled him into conflict.⁸³ Some “two hundred people were in town from different parts of the Country Waiting for the Commencement of the sale” on May 5, 1801. Other than the absence of Governor St. Clair, the first few days went smoothly.⁸⁴ As the sales continued, the highly sought after “high bank prairie,” a piece of land lying on the Scioto

⁷⁹ John Adams, diary entry, February 21, 1765, in *The Works of John Adams, Second President of the United States*, ed. Charles Francis Adams (Boston: Charles C. Little and James Brown, 1850-56), 2:148-149.

⁸⁰ John Adams, diary entries, November 23 and 28, 1777, in *Ibid.*, 2:436.

⁸¹ John Adams to James Sullivan, 26 May 1776, in *Ibid.*, 9:376-377.

⁸² John Adams to The Printers of the Boston Patriot, 1809, in *Ibid.*, 9:295.

⁸³ Sears, *Thomas Worthington*, 39.

⁸⁴ Thomas Worthington to Albert Gallatin, 11 May 1801, in Carter, *Territorial Papers*, 3:133; Thomas Worthington, diary entries, May 5, May 6, and May 9, 1801, TWP, OHS.

River opposite Paint Creek was coming up for sale. “It was supposed by every body that it would go to a very high price” in the auction, and many began discussing their intent to purchase privately. St. Clair recalled that he and Worthington discussed “some of whom intended to be purchasers” who were from Virginia and “declared an intention to have it, let it be bidden up to what price it would.” St. Clair was interested in it as well, and asked Worthington that when it came up for sale to inform him.⁸⁵ Its designation as the “high bank prairie” shows the difficulty of the adjustment between the reticular survey system and the “metes and bounds” system of the Virginia Military District. Because it was divided according to the reticular survey, confusion abounded when it was offered for sale. A fractional section of the land, which was offered with an adjoining section, was described as “opposite of Paint Creek,” which it was. However, the bulk of the “high bank prairie” was offered in a different section, and was not described as “opposite of Paint Creek” because by definition it was not. Neither section went very high in price. Because of the confusion—or rather ignorance of the bidders—the best portion of the “high bank prairie” was purchased by Worthington, who immediately flipped it to cattle baron Felix Renick.⁸⁶

Despite St. Clair and others’ antagonism against “any combination to prevent a competition at the Sale to keep down the price of public Lands,” such scheming did exist, mostly amongst actual settlers.⁸⁷ As Worthington noted, “much land sold at the sales and a considerable

⁸⁵ Arthur St. Clair to Albert Gallatin, 11 Oct. 1802, in Carter, *Territorial Papers*, 3:249.

⁸⁶ Piecing together this story was somewhat difficult as the biases of all concerned parties is evident in their correspondence. It is most likely that Worthington simply understood the differences between the surveys that others did not, and used this to his advantage. Rufus Putnam was quick to defend Worthington’s actions. Despite charges being brought against him, Worthington was found innocent. See: Thomas Worthington to Albert Gallatin, 30 Sept. 1801 and 18 Sep. 1802, Rufus Putnam to Thomas Worthington, 22 Mar. 1802, and Arthur St. Clair to Albert Gallatin, 11 Oct. 1802, in *Ibid.*, 3:175-176, 216-218, 244-247, 248-251; Thomas Worthington, diary entries, June 3 and July 4, 1801, TWP, OHS.

⁸⁷ Arthur St. Clair to Albert Gallatin, 11 Oct. 1802, in Carter, *Territorial Papers*, 3:250.

quantity continued after the sales concluded.”⁸⁸ A traveler recalled that at the Crawfordsville, IN office in 1824 “there is but little bidding against each other.” Most purchasers “arranged matters among themselves to their general satisfaction. If, upon comparing numbers, it appears that two are after the same tract of land, one asks the other what he will take to not bid against him.” If no agreement could be reached, they would draw lots to settle the dispute rather than outbid each other.⁸⁹ Kin groups would travel to the sales together, and bid on adjoining or nearby lots. Similar practices would continue in the Midwest well into the twentieth-century when Depression era farmers would descend on public auctions to block the sale of their neighbors’ family’s foreclosed farms to other bidders.⁹⁰

By no means were the land sales a male only affair. At the first Chillicothe sale Polly Hall North publically bid for a half section, outbidding her male competitors to \$876. She was joined by Jane Mitchell in 1804, who bought a quarter section in auction, paying \$393.⁹¹ In Cincinnati Ann Wilson and Martha Davis in 1801, and Ami Maltbee in 1802 participated in the public sales, though they did not have the pleasure of bidding against anyone. Preemption was also given to Leah Cary, Eleanor Buchannon, and Ann Westfall.⁹² Not only was the federal government willing to contract with these women, but it was also willing to extend to them credit. In a society where women were mostly treated as property themselves, this was almost a radical concept.⁹³ Not only did they receive the credit, but they also seem to have made good on their payments as none of them were marked as forfeitures. Ann Westfall and her preemption

⁸⁸ Thomas Worthington, diary entry, June 3, 1801, TWP, OHS.

⁸⁹ Stanford C. Cox, *Recollections of the Early Settlement of the Wabash Valley* (Lafayette, IN: Courier Steam Book and Job Printing House, 1860), 17-18.

⁹⁰ Robert S. McElvaine, *The Great Depression: America, 1929-1941*, (New York: New York Times Books, 1984), 134-135.

⁹¹ Register's Ledger (credit system), 1801-1829, State Archives Series 391, GR1586, OHS

⁹² Register's Ledger (credit system), 1801-1818, State Archives Series 411, GR1588, OHS.

⁹³ Rosemarie Zagarri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007), 26-37.

stands out. Several Westfalls had made their way to the Symmes Purchase, and eight had signed petitions to the government praying for preemption relief, including Ann's brothers Cornelius and John. Neither Cornelius nor John took up the government's preemption offer though, but Ann and two of her other kinsmen did. Several made their way further west to Illinois and Iowa, perhaps squatting, but it does not appear that Ann was one of them.⁹⁴

Land sales under the Land Act of 1800 trumped the Federalists' system. In less than a year nearly 400,000 acres were sold. By November of 1802, just under 740,000 acres had been sold, and by 30 September 1804, 1,250,000 acres had been transferred to private ownership. The Steubenville office had performed the best, selling over 360,000 acres from 1801 to 1804. Cincinnati was second with just under 300,000, Chillicothe third with about 120,000, and Marietta last with nearly 15,000. The revenue was high as well, bringing in over \$200,000 for the first installments.⁹⁵

TABLE 2. Federal Land Sales, 1787 - 1796

Sale Type	Year	Acres
Public Sale, New York	1787	72,974
Ohio Company Purchase	1792	964,285
John Cleves Symmes Purchase	1792	248,540
Public Sale, Philadelphia	1796	5,120
Public Sale, Pittsburgh	1796	43,446
Total		1,334,365

Source: *American State Papers: Finance* 3:24

⁹⁴ "Petition to Congress by Citizens of Hamilton County," and "Petition to Congress by Citizens of the Territory," in Carter, *Territorial Papers*, 3:29-35, 42-46; "Family Tree: Reuben Westfall," Ancestry.com, accessed February 2, 2015.

⁹⁵ *American State Papers: Finance* 1:715, 2:7, 52, 112.

TABLE 3. Federal Land Sales, 1801 - 1803

Office	Acres	Price (USD)	Average Price per Acre
Chillicothe, 1801	163,262	358,329	2.19
do., 1802	29,766	59,533	2.00
do., 1803	34,368	68,737	2.00
Cincinnati, 1801	70,426	144,396	2.05
do., 1802	47,506	95,012	2.00
do., Preemptions, 1802	96,690	193,379	1.99
do., 1803	82,764	165,529	2.00
Steubenville, 1801	161,039	322,078	2.00
do., 1802	164,146	328,291	1.99
do., 1803	79,122	158,244	2.00
Marietta, 1801 - 1803	8,647	19,543	2.26
Total	937,736	1,913,071	2.04

Source: *American State Papers: Finance* 1:715, 2:7, 2:52

TABLE 4. Public Land Sales, Chillicothe and Cincinnati, 1801-1803

Sales	Acres	Average Acres Per Sale	Price per Acre (USD)	Average Price per Sale
Chillicothe, Public	87,900	539	2.52	1,361
Cincinnati, Public	72,480	635	2.4	1,524
do., Preemption	97,630	272	1.96	532
Cincinnati, Total	170,110	454	2	1,028

Source: Register's Ledger (credit system), 1801-1829, State Archives Series 391, GR1586, OHS;
Register's Ledger (credit system), 1801-1818, State Archives Series 411, GR1588, OHS.

Worthington was pleased with the public sales. After the twelfth day of the auction he wrote to Albert Gallatin, newly appointed Secretary of the Treasury, that “a considerable quantity has been sold” and that he expected “more will sell.”⁹⁶ By the end of the first month Worthington explained to Rufus Putnam that “a very great quantity of land has been sold” and that more “entries are making every day.”⁹⁷ The land sold was “Generally to Germans in the neighbourhood of Lancaster & on Walnut Creek,” Worthington told Putnam. “I had not the most

⁹⁶ Thomas Worthington to Albert Gallatin, 16 May 1801, PTW, reel 1.

⁹⁷ Thomas Worthington to Rufus Putnam, 8 June 1801, PTW, reel 1.

distant idea that half the quantity would have been sold,” Worthington admitted, and saying that they were “far exceeding anything [he had] expected.”⁹⁸ It took nearly fifty days for the Chillicothe office to go an entire day without a single sale.⁹⁹ Still, “land appear[ed] as much in demand as ever.”¹⁰⁰

Good times did not last though. In January of 1802 Samuel Finley, the receiver of public money at the Chillicothe office, wrote to Worthington on “how the sales are deminished and that in all probability will continue to deminish.” Finley encouraged Worthington to use his “influence with [his] acquaintances in Congress to” alter the laws so as to attract more purchasers. “I would likewise advise you,” Finley told Worthington, “while you are ingaged in promoting my interest, not to neglect your own.” Finley was concerned about his and Worthington’s salary, as both were paid a percentage of the sale amounts, and as register Worthington collected an entry fee for each purchase. In Chillicothe only a third of the total acreage sold in 1801 had sold in 1802 and 1803 combined. Not only were the sales down, but the sales that had been made were not always going to individual purchasers as intended. Purchasers were buying nearly twice the amount allowed by law on average, and dividing it further amongst themselves.

When Worthington was appointed one of Ohio’s first U.S. Senators, altering the land policy was of great concern to him and others in the territory. In the first few months of his tenure he was inundated with inquiries over the subject.¹⁰¹ Worthington presented a petition in

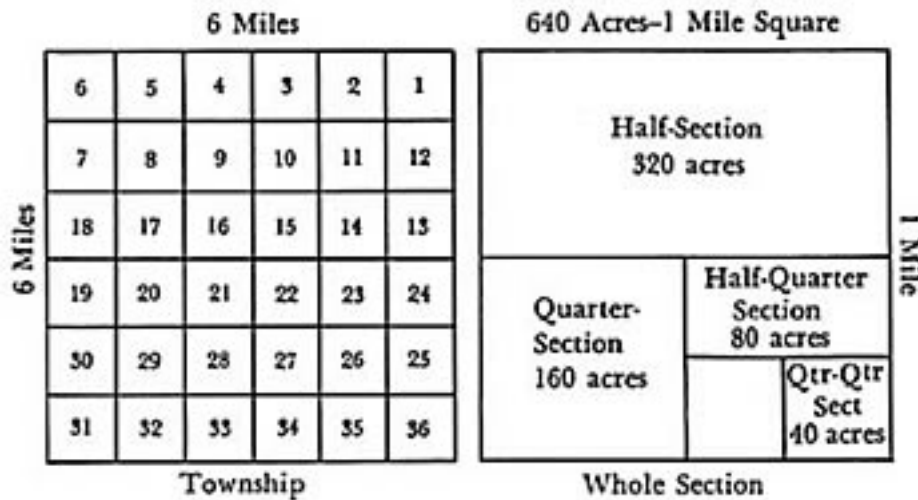
⁹⁸ Thomas Worthington to Rufus Putnam, 20 June 1801, PTW, reel 1; Thomas Worthington to Presley Neville, 26 June 1801, PTW, reel 1.

⁹⁹ Thomas Worthington to Rufus Putnam, 23 June 1801, PTW, reel 1.

¹⁰⁰ Thomas Worthington to Joseph Nourse, 26 June 1801, PTW, reel 1.

¹⁰¹ See John Smith to Thomas Worthington, 25 Dec. 1802, 7 Jan. 1803, and 7 Feb. 1803, Samuel Finley to Thomas Worthington, 28 Oct. 1803, and Edward Tiffin to Thomas Worthington, 2 Nov. 1803, TWP, reel 2.

November from John Crouse, his neighbor, “praying for certain alterations” to land policy. It was referred to a committee consisting of Worthington and four others.¹⁰² A few weeks later



Townships, Sections, and Fractional Sections

Worthington forwarded his committee’s report to Ohio Secretary of State William Creighton, who hoped that Worthington’s “hopes may be realised.”¹⁰³ News of the committee’s work spread fast across the territory. The report called for a new office at Zanesville, and many were quick to offer themselves to Worthington as registers and receivers.¹⁰⁴ The credit was to be abolished, and the price was to be lowered below \$2 an acre. “Should the resolutions be adopted by Congress & a Law passed in conformity to them it will both lessen the revenue expected by the U. States from their lands,” Edward Tiffin argued to Worthington, “as well as impede the

¹⁰² *Senate Journal*, 8th Cong., 1st Sess., November 1, 1803, 305-306. John Crouse likely lived in the Virginia Military District, but yearned to purchase on the opposite side of the Scioto. He had signed a petition in 1799 requesting squatter’s rights, but his name does not appear as a purchaser in the Chillicothe office ever.

¹⁰³ William Creighton, Jr. to Thomas Worthington, 23 Nov. 1803, TWP, reel 1.

¹⁰⁴ See Edward Tiffin to Thomas Worthington, 17 Dec. 1803, and 2 Jan. 1804, and Ebenezer Buckingham to Thomas Worthington, 26 Dec. 1803, TWP, reel 3.

population of this State.” He suggested a continuation of the credit, no interest, and a reduction in the size of the tracts by half, all of which “would be better than the proposed resolutions.”¹⁰⁵

Others offered opinion as well. Benjamin Hough was adverse to the non-conformity of tract size suggested by the report. Lands west of the Muskingum River would be sold in quarter-sections, but remain in half-sections east of the Muskingum. “If the land of that part of the state should be sold in Quarter sections,” he wrote Worthington, “I see no reason it should not be sold in the same way throughout the state, which I think would considerably advance in population.”¹⁰⁶ As a surveyor for the Steubenville Land Office, Hough was obviously concerned about favoritism between the land offices. Another correspondent to Worthington agreed with Hough, suggesting “that the lands may all be purchased in quarter Sections if required by the purchaser.” He did not “see any reason why congress should refuse to pass a law to enable all Classes of Citizens to purchase, and more particular when the United States can not possibly sustain any injury from such a law.”¹⁰⁷ James Finley chimed in as well, still concerned about his salary. “The opinion of Gentlemen of information” whom Finley had “heard discourse on that Subject” were “generally of the mind, that a reduction of the price of Lands, though considered high, would not be advantageous at present.”¹⁰⁸

Worthington’s attempt to reconcile the committee’s report with his constituency was too slow for the House, which started its own committee headed by Joseph Hopper Nicholson.¹⁰⁹ His committee report complied with the general wishes of Worthington’s correspondents, except that it too called for a cancellation of the credit.¹¹⁰ When this bill reached the Senate, a new

¹⁰⁵ Edward Tiffin to Thomas Worthington, 17 Feb. 1804, reel 3.

¹⁰⁶ Benjamin Hough to Thomas Worthington, 26 Jan. 1804, TWP, reel 3.

¹⁰⁷ John Carpenter to Thomas Worthington, 16 Feb. 1804, TWP, reel 3.

¹⁰⁸ James Finley to Thomas Worthington, 27 Jan. 1804, TWP, reel 3.

¹⁰⁹ *House Journal*, 8th Cong., 1st Sess., 453.

¹¹⁰ *American State Papers: Public Lands* 1:166-169.

committee was formed without Worthington.¹¹¹ It is probable that both committees understood the wishes of the other; Breckenridge in the Senate and Nicholson in the House were men who Worthington socialized with in Washington, and who he considered “very friendly and disposed to do all they can for the state of Ohio.”¹¹² They trusted in each other’s judgments so much that, rather than reading the bill, Breckenridge asked Nicholson to “suggest to [him] the necessity for it; & referring the existing laws; whose defects the several sections are intended to remedy,” so that he could defend it against what he perceived as a hostile Senate.¹¹³ At some point in the debates it was decided to continue with the credit. When disagreement arose over amendments, it was Worthington and Nicholson who were selected from their chambers to negotiate.¹¹⁴

The resulting Land Act of 1804 expanded the apparatus that Worthington had helped create four years earlier. New land offices were opened in the Detroit and Indiana Territories, and sections set aside for the support of schools and an entire township for “a seminary of learning.” Newly surveyed lands would continue to be auctioned off and sold for no less than \$2 an acre. Pre-emption rights for purchasers from John Cleves Symmes was extended until June of 1805, and were allowed to pay in installments of “six annual equal payments.” All fractional sections were to be sold individually (so as to prevent the “high bank prairie” fiasco again) at auction. The reserved sections in Ohio were to finally be offered at auction, and all the public lands in the United States would hereafter be offered for either private or public sale in quarter-sections of 160 acres. Also, the credit was continued and the interest waived if the payments were paid on time.¹¹⁵

¹¹¹ *Senate Journal*, 8th Cong., 2nd Sess., 378-379.

¹¹² Thomas Worthington, diary entry, December 20, 1802, PTW, reel 1.

¹¹³ John Breckenridge to Joseph H. Nicholson, 13 Mar. 1804, Joseph Hopper Nicholson Papers, MSS34728, Library of Congress, Washington, D.C.

¹¹⁴ *House Journal*, 8th Cong., 2nd Sess., 687; *Senate Journal*, 8th Cong., 2nd Sess., 396.

¹¹⁵ Act of March 26, 1804, ch. 35, 1 *Stat.* 277-283.

Sales and immigration immediately boomed again. In the fiscal year 1802-1803, sales amounted to just under 200,000 acres at the Ohio land offices. In 1803-04, with just a few months of the new law's provisions in place and the addition of the Vincennes office, sales jumped to 314,251. In 1804-05, they nearly doubled to 619,264, and another 473,209 in 1805-06.¹¹⁶ Sales also brought an influx of immigrants as well. "People are flocking into our State, in a most astonishing manner," Edward Tiffin wrote to Worthington.¹¹⁷ With 45,365 residents before the Land Act of 1800, the credit system fostered an explosion of population. The 1810 census showed over 230,000 people living in Ohio, and 581,434 by 1820.¹¹⁸ By 1815 it was estimated that the Indiana Territory contained 68,084 inhabitants, a high number considering the territory had only a total of eight years of legalized settlement unimpeded by the War of 1812.¹¹⁹

The purchasers worked hard to clear what had been a wilderness into an agricultural paradise for both home consumption and profit seeking. By the mid-nineteenth century Ohio was one of the leading states in agricultural production. It was consistently first in the nation in sheep population, and a top five state in hog population. Ohio and its Midwestern neighbors also dominated corn, oats, and wheat production.¹²⁰ This explosion of production was due in large part to the necessary transition to capitalism that Ohioans had to make.¹²¹ Payments to the government for lands required cash, and farm families had to produce beyond their own

¹¹⁶ *American State Papers: Finance* 2:52, 112, 147, 210.

¹¹⁷ Edward Tiffin to Thomas Worthington, 30 Nov. 1804, TWP, reel 3.

¹¹⁸ Andrew R. L. Cayton, *Ohio: The History of a People* (Columbus, OH: The Ohio State University Press, 2002), 15.

¹¹⁹ R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840*, 2 vols. (Indianapolis: Indiana Historical Society, 1950), 1:66

¹²⁰ Robert Leslie Jones, *History of Agriculture in Ohio to 1880* (Kent, OH: The Kent State University Press, 1983), 50, 55, 58, 132, 147.

¹²¹ For rural capitalism see: Christopher Clark, "Rural American and the Transition to Capitalism," *JER* 16, no. 2 (Summer, 1996): 223-236, and *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1992); Steven Hahn and Jonathan Prude, eds., *The Countryside in the Age of Capitalist Transformation: Essays in the Social History of Rural America* (Chapel Hill: The University of North Carolina Press, 1985); Allan Kulikoff, *The Agrarian Origins of American Capitalism* (Charlottesville: The University of Virginia Press, 1992).

subsistence in order to sale their staples to make mortgage payments. These payments were frequently delinquent due to either the lack of markets or the resistance to commercialization, and Worthington supported several acts to extend credit payments to account for this.¹²² This can also explain Worthington's support for internal improvements as well, which would open up markets, making it easier for the government's debtors to sell their produce and make their payments. Still, whether they were international commercial actors or only self-sufficient yeomen, the Americans who flocked into Ohio were most definitely the "mass of cultivators" that Jefferson had envisioned.

¹²² Acts include: Act of April 30, 1810, ch. 36, 2 *Stat.*, 591-592; Act of April 23, 1812, ch. 44, 2 *Stat.*, 712.

This resistance was based on community self-sufficiency, where bartering was the norm and wealth and capital exchange was not. See: James Henretta, "Families and Farms: Mentalité in Pre-Industrial America," *WMQ* 35, no. 4 (Oct., 1980): 696-700; Michael Merrill, "'Cash is Good to Eat': Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical Historical Review*, 4 (Winter, 1977): 42-71; Harry L. Watson, "The Market and Its Discontents," *JER* 12, no. 4 (Winter, 1992): 464-470.

Part III:
“A Government of Our Own Choice:” Democratization and Deliberation

On Christmas Eve, 1801, a group of men stormed into Gregg’s Tavern in Chillicothe. Their aim was Governor Arthur St. Clair and several other members of the territorial legislature who were boarding there. Known as “the Bloodhounds,” this mob included Reuben Abrams, Samuel McAdow, Stephen Cissna, and Michael Baldwin, their leader. Having burned the governor in effigy the previous night, “the Bloodhounds” were contemplating replacing the effigy with the real thing. They pulled the legislators from their rooms and bunks, dragging them into the main hall. St. Clair, hearing the commotion, came downstairs to find McAdow pulling Jonathan Sheffelin by the collar out of his bed. Sheffelin, in defense, pulled his dirk on McAdow, but was restrained by his fellow legislators from running him through. The “sight of the weapon had the effect to make them quit the room,” and “the Bloodhounds” filtered out into the street. St. Clair called for Justice of the Peace Samuel Finley and Sheriff Jeremiah McLene. Michael Baldwin, not willing to be defeated so easily, began to burn the governor in effigy again. Thomas Worthington was dining at Lamb’s Tavern with McLene, when they heard the riot. Arriving on the scene, Worthington went into a rage and stormed straight up to Baldwin, accusing him of trying to incite a riot, and assuring him that “he would not suffer any such thing to take place and would prevent it at the risk of his own life.” Baldwin assured Worthington that no such thing would occur, but Worthington was not buying it. He told Baldwin he “would go and fetch his weapon, and...kill him the first person” if such an event took place. Baldwin

again “declared upon his honor...that he would engage in no such business,” and he and his “Bloodhounds” retired.¹

It is easy to agree with Marietta resident Dudley Woodbridge that the riot was reminiscent “of [Daniel] Shays and those times.”² Insurgency was nothing out of the ordinary before, during, or after the American Revolution. Whether it was conflict between settlers and proprietors over land title in Maine, Vermont, New Jersey, Pennsylvania, or the Carolinas, “anti-renters” in New York or Virginia, or even open rebellion in Massachusetts and Pennsylvania, violence against perceived illegitimacy prevailed along the frontier and in long-established settlements.³ Like all of these insurgencies, Michael Baldwin’s rebellion was caused by Arthur

¹ Arthur St. Clair to James Ross, 15 Jan. 1802, and St. Clair to Paul Fearing, 15 Jan. 1802, in *St. Clair Papers*, 2:556-258; “Extract from the Journal of the House of Representatives,” and “Chillicothe,” *The Scioto Gazette*, January 2, 1802; Cayton, *Frontier Republic*, 74.

² Dudley Woodbridge to Ephraim Cutler, 29 Dec. 1801, in *Life and Times of Ephraim Cutler...*, ed. Julia Perkins Cutler (Cincinnati: Robert Clarke & Co., 1890), 55n.

³ The literature on this topic is extensive. For individual cases see: Michael A. Bellesiles, *Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier* (Charlottesville, VA: University of Virginia Press, 1993); John L. Brooke, “To the Quiet of the People: Revolutionary Settlements and Civil Unrest in Western Massachusetts, 1774-1789,” *WMQ* 46, no. 3 (Jul., 1989): 425-462; Richard Maxwell Brown, *South Carolina Regulators: The Story of the First American Vigilante Movement* (Cambridge, MA: The Belknap Press of Harvard University Press, 1963); Thomas J. Humphrey, “Conflicting Independence: Land Tenancy and the American Revolution,” *JER* 28, no. 2 (Summer, 2008): 159-182; Reeve Huston, *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York* (New York: Oxford University Press, 2000); Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: The University of North Carolina Press, 2002); Brendan McConville, *These Daring Disturbers of the Public Peace: The Struggle for Property and Power in Early New Jersey* (Ithaca, NY: Cornell University Press, 1999); Paul B. Moyer, *Wild Yankees: The Struggle for Independence along Pennsylvania’s Revolutionary Frontier* (Ithaca, NY: Cornell University Press, 2007); Paul Douglas Newman, *Fries’s Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004); Leonard L. Richards, *Shay’s Rebellion: The American Revolution’s Final Battle* (Philadelphia: University of Pennsylvania Press, 2003); Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: The University of North Carolina Press, 1990). No examination of frontier insurgency is complete without Richard Maxwell Brown, “Back Country Rebellions and the Homestead Ethic in America, 1740-1799,” in Richard Maxwell Brown and Don E. Fehrenbacher, eds., *Tradition, Conflict, and Modernization: Perspectives on the American Revolution* (New York: Academic Press, 1977), 73-99. For an overall analysis of agrarian insurgency, see: Alan Taylor, “Agrarian Independence: Northern Land Rioters after the Revolution,” in Alfred F. Young, ed. *Beyond the American Revolution: Explorations in the History of American Radicalism* (DeKalb, IL: Northern Illinois University Press, 1993), 221-245.

St. Clair's loss of legitimacy among "the Bloodhounds."⁴ By proposing a second division of the Northwest Territory—which in turn would postpone statehood and the local political autonomy it would bring—St. Clair was seen as preventing "that period which was to emancipate the people of the Territory from a government hostile to their genius."⁵

The Northwest Ordinance was specifically designed to limit the authority of the territorial residents. As Peter Onuf has found, early national leaders felt that the dangerous and disorderly frontier needed "a transformation that required the exercise of authority—to maintain order, protect legitimate land titles, and foster economic development—by a strong national government."⁶ Arthur St. Clair was a firm believer in this policy, which he felt was best "suited to [the] infant Situation" of the territory.⁷ This put St. Clair into conflict not just with the territorial residents, but also with the growing critique of genteel authority raging throughout the United States. He was advocating (clinging to, rather) for the paternalism and deference to

⁴ The classic theory of legitimacy as causation for Anglo-crowd action is E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past & Present*, no. 50 (Feb., 1971): 76-136. For a strictly American analysis, see: Brooke, "Quiet of the People," 426; Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *WMQ* 27, no. 1 (Jan., 1970): 3-35; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: The University of North Carolina Press, 1997); Gordon S. Wood, "A Note on Mobs in the American Revolution," *WMQ* 23, no. 4 (Oct., 1966): 635-642, and *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992), 89-91.

⁵ Thomas Worthington, *Communication, to those Citizens of the North-Western Territory, Opposed to an Alteration of the Boundaries of the States...* (Chillicothe, OH: N. Willis, 1802), 3. The Northwest Territory had been divided in 1800 with the creation of the Indiana Territory.

⁶ Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, IN: Indiana University Press, 1987), quote on xiii. For limits on territorial authority see also: Ruth H. Bloch, "Battling Infidelity, Heathenism, and Licentiousness: New England Missions on the Post-Revolutionary Frontier, 1792-1805," in Frederick D. Williams, ed., *The Northwest Ordinance: Essays on Its Formation, Provisions, and Legacy* (East Lansing: Michigan State University Press, 1988), 39-60; Gregory H. Nobles, "Breaking into the Backcountry: New Approaches to the Early American Frontier, 1750-1800," *WMQ* 46, no. 4 (Oct., 1989): 641-670; Malcolm J. Rohrbough, "'A Freehold Estate Therein': The Ordinance of 1787 and the Public Domain," *Indiana Magazine of History* 84, no. 1, The Northwest Ordinance (March 1988): 51.

⁷ Arthur St. Clair, speech dated July 15, 1788, in *The Documentary Heritage of Ohio*, eds. Phillip R. Shriver and Clarence E. Wunderlin, Jr. (Athens, OH: Ohio University Press, 2000), 72-73; Malcolm J. Rohrbough, *The Trans-Appalachian Frontier: People, Societies, and Institutions, 1775-1850* (New York: Oxford University Press, 1978), 85-86

social superiors, which had been challenged by the Revolution.⁸ Michael Baldwin was the opposite, fully adopting the new social order and using it to legitimize his violent actions. Thomas Worthington was somewhere in the middle.⁹ His attempt to bring order to such an impassioned scene placed him between the concepts of tyranny and anarchy, the states of corrupted political society that classical republicans like Polybius and Machiavelli had warned about, and what their American readers had tried to reconcile through the balance of monarchy, aristocracy, and democracy.¹⁰

Worthington quickly began to understand the lack of this balance. The Northwest Ordinance severely limited the ability of the lower masses to engage politically with the state. Because of the ordinance's voting restrictions that "the Bloodhounds" had to comply with, they instead engaged in participatory democracy within the public sphere, using "hand bills and long Tavern Harangs."¹¹ While the local Chillicothe newspaper, *The Scioto Gazette*, was sympathetic

⁸ For the Revolution's effect on social structure see: Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1984), and *Inheriting the Revolution: The First Generation of Americans* (Cambridge, MA: The Belknap Press of Harvard University Press); Jay Fliegelman, *Prodigals & pilgrims: The American revolution against patriarchal authority 1750-1800* (Cambridge, UK: Cambridge University Press, 1982); Alan Taylor, "From Fathers to Friends of the People: Political Personas in the Early Republic," *JER* 11, no. 4 (Winter, 1991): 465-491; Gordon S Wood, "Interests and Disinterestedness in the Making of the Constitution," in Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill: The University of North Carolina Press, 1987), 69-109, and *Radicalism of the American Revolution*, 229-369.

⁹ Andrew R. L. Cayton, "The Failure of Michael Baldwin: A Case Study in the Origins of Middle-Class Culture on the Trans-Appalachian Frontier," *Ohio History* 95 (Winter-Spring, 1986): 34-48.

¹⁰ Polybius, *The Rise of the Roman State*, trans. Ian Scott-Kilvert (New York: Penguin Books, 1979), 302-311, 344-352. See also: J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975), 262; Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: The University of North Carolina Press, 1969), 197-255.

¹¹ For the public sphere see: Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (1962; Cambridge, MA: The MIT Press, 1991), particularly 57-117. Habermas has inspired a slew of American political historians to apply his theories to the early American republic. See: John L. Brooke, "Ancient Lodges and Self-Created Societies: Voluntary Association and the Public Sphere in the Early Republic," in Ronald Hoffman and Peter J. Albert, eds., *Launching the "Extended Republic": The Federalist Era* (Charlottesville, VA: The University Press of Virginia, 1996), 273-377 *Columbia Rising: Civil Life on the Upper Hudson from the Revolution to the Age of Jackson* (Chapel Hill: The University of North Carolina Press, 2010), and "Consent, Civil Society, and the Public Sphere in the Age of Revolution and the Early Republic," in Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher, eds., *Beyond the Founders: New Approaches to the Political History of the Early American Republic* (Chapel Hill: The University of North Carolina Press, 2004), 207-250; Todd Estes,

to the Republican cause, and several local taverns were owned and frequented by party members, “the Bloodhounds” had very little influence—and little experience—in transitioning from the practice of politics to the creation of policy. Even Worthington, elected as a territorial assemblyman, could do little within the institutional framework—specifically the governor’s veto powers—to thwart what he saw as St. Clair’s tyrannical abuse of authority and promotion of Federalist interests. In 1800 Worthington tried to convince his friends in the Senate to block St. Clair’s reappointment as governor. Petitions against him were orchestrated and relayed to Washington by Worthington, but the Senate’s confirmation “committee reported that the charges against Governor St. Clair, though various and some of a serious nature, *were not supported by the memorialists.*” The Senate thus reconfirmed him, in fear that “some person more obnoxious might be appointed.”¹² With effectively no political voice through either their voting or their right to petition Congress, “the Bloodhounds” responded with political violence to enact change.

With the Senate unwilling to enact a change in governorship, Worthington switched gears. Rather than basing his attacks solely on the governor, he resulted instead to debasing the very legislation that put him in power. In November of 1801 Worthington wrote to William Duane, the editor of Philadelphia’s pro-Republican newspaper *The Aurora*, charging that Duane had “taken some little notice of the anti-republican powers with which the Governor of the NW Territory is trusted.” Going further, he claimed that

“Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate,” *JER* 20, no. 3 (Autumn, 2000): 393-422; Waldstreicher, *Perpetual Fetes*, 53-107.

For the Bloodhounds’ tactics see: Nathaniel Massie to Thomas Worthington, 1 Oct. 1802, TWP, reel 2. For forms of participatory democracy other than voting, see: Douglas Bradburn, “A Clamor in the Public Mind: Opposition to the Alien and Sedition Acts,” *WMQ* 65, no. 3 (Jul., 2008): 565-600; Jeffrey L. Pasley, “The Cheese and the Words: Popular Political Culture and Participatory Democracy in the Early American Republic,” in Pasley, Robertson, and Waldstreicher, *Beyond the Founders*, 31-56. Peter Silver offers a solid overview of violent participatory democracy when discussing the Paxton Boys in *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W. W. Norton & Co., 2008), particularly 204-205.

¹² Stevens Tomson Mason to Thomas Worthington, 5 Feb. 1801, *St. Clair Papers*, 2:531-32; Andrew R. L. Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780-1825* (Kent, OH: The Kent State University Press, 1986), 70-71.

It is not a little surprising that the Congress of the United States, at a time where they had barely ended the contest with Great Britain for the establishment of republican principles should pass an Ordinance for the Government of a part of their Territory. so completely anti-republican as that which governs this Territory, will be found on examination, and which has in its operations oppressed the people governed by it.¹³

He also wrote to Senator Abraham Baldwin on the subject, informing him that the territorial legislature had begun debates on whether to apply for statehood, the argument being “whether we shall with the consent of Congress become & exercise the privileges of an Independent state, or remain under the present arbitrary government, better suited for an English or Spanish Colony than for Citizens of the United States.”¹⁴

St. Clair’s encouragement of a second division act, and Baldwin’s mob action against it, convinced Worthington that immediate action for statehood was necessary in order to real in the influences of tyranny and anarchy, and establish legitimate, local authority that would bring political consent back to the territory. Republican corresponding committees soon began to act on their own, outside the parameters of institutional authority. The Chillicothe Junto appointed Worthington and Baldwin to represent the territory in Congress against such a division, despite the presence of territorial delegate Paul Fearing.¹⁵ Their decision was supported by “a committee for the County of Fairfield,” who “by virtue of the Trust imposed on [them] by the citizens of the County aforesaid, do appoint and constitute Thomas Worthington Esquire our agent at the present Congress of the United States.” They hoped that he would “use his utmost exertions to prevent” the division act, which they “conceived to be unconstitutional, improper, unjust, and if carried into effect will be attended with the most harmful consequences.”¹⁶

¹³ Thomas Worthington to William Duane, 10 Nov. 1801, PTW, reel 1.

¹⁴ Thomas Worthington to Abraham Baldwin, 30 Nov. 1801, PTW, reel 1.

¹⁵ Cayton, *Frontier Republic*, 75-76; The Chillicothe Junto to Thomas Worthington and Michael Baldwin, 1802, *St. Clair Papers*, 2:565n.

¹⁶ Philemon Beecher, et. al., to Thomas Worthington, 28 Dec. 1801, TWP, reel 2.

When Worthington reached Washington in January he “had much conversation with” several Congressmen “on the subject of the territory,” including Virginia Congressman William Branch Giles who agreed to “manage Territorial business in Congress” and offered Worthington the chance to address the House committee with “any communication...which [he] may think proper to make.”¹⁷ Worthington also met three times with President Thomas Jefferson “and had some conversation on political subjects” with him.¹⁸ The division act was easily defeated as Worthington spoke vicariously through Giles on the House floor: “the law would place the people of that Territory in a very disagreeable situation,” and “its only tendency would be to perpetuate the office of Governor and the Territorial Legislature.”¹⁹ Worthington funneled petition after petition, amounting to over a thousand signatures, from the territory to the House, all requesting that the division act be struck down.²⁰ When the Committee of the Whole considered the motion, it concluded that it “ought not to be assented to by Congress,” and failed to pass by a vote of 81 to 5, with one of the dissenting votes being Ohio Company Director Manasseh Cutler.²¹

In what could almost amount to a personal vendetta, Worthington then lobbied President Jefferson hard for the removal of St. Clair. Worthington claimed that the “whole tenor” of St. Clair’s “conduct is marked with a design to promote his own pecuniary Interest and gratify his ambitious and tyrannical disposition regardless of the welfare and happiness of the people governed by him.” Charges included the governor’s appointment to political favorites, that he had “wantonly rejected laws passed” for the “good of the people & has wantonly usurped the

¹⁷ Thomas Worthington to Nathaniel Massie, 17 Jan., 1802, TWP, reel 2; Thomas Worthington, diary entry, January 17, 1802, PTW, reel 1; William Giles to Thomas Worthington, 4 Feb. 1802, ETSMC, 1991.161.92.

¹⁸ Thomas Worthington, diary entries, January 18, 21, 25, 1802, PTW, reel 1.

¹⁹ *Annals of Congress*, 7th Cong., 1st Sess., 427.

²⁰ *Ibid.*, 427, 465-66; Thomas Worthington to Nathaniel Massie, 8 Feb. 1802, and 9 Feb. 1802, Nathaniel Massie to Thomas Worthington, 19 Feb. 1802, and Robert McClure to Thomas Worthington, 4 Mar. 1802, TWP, reel 2.

²¹ *Annals of Congress*, 7th Cong., 1st Sess., 466.

power of erecting new counties,” and that he was “an open and avowed enemy to a republican form of government and an advocate for monarchy.”²² Though he dismissed the character attacks, Jefferson took the charges of official misconduct seriously, forwarding them to Attorney General Levi Lincoln for review.²³ Lincoln reported back that “after the utmost attention,” he could “find no grounds” that the governor had abused his authority, despite “knowing that some very respectable Gentlemen are decidedly of the opinion” that he had.²⁴ Taking Lincoln’s advice, Jefferson refused to remove St. Clair.²⁵

Worthington then put all his efforts towards statehood. Nathaniel Massie responded by reminding Worthington that the territory had “obtained nearly the number required by the Ordinance eighteen months ago,” and adding that “there can be but little doubt on the right of us going into a state government.”²⁶ Several other territorial residents wrote to Worthington on the prospects of statehood. The committee that appointed Worthington their representative to Congress instructed him to use his “influence with that honorable body to effect” an “independent form of government.”²⁷ Robert McClure informed him that “three fourths of the inhabitants of [Hamilton] county will cheerfully acquiesce in throwing off the domineering yoke which has so galled them & participate the blessing which flow from a republican Government,” and that he had “effected the formation of a republican society” for the “collecting the sense of the people.”²⁸ James Caldwell wrote of the creation of another society that was created so as “to

²² Thomas Worthington to Thomas Jefferson, 30 Jan. 1802, *Papers of Jefferson*, 36:461-463.

²³ Thomas Jefferson to Levi Lincoln, 28 Jan. 1802, *Ibid.*, 36:446.

²⁴ Levi Lincoln to Thomas Jefferson, 2 Feb. 1802, *Ibid.*, 36:493-495.

²⁵ Cayton, *Frontier Republic*, 76.

²⁶ Nathaniel Massie to Thomas Worthington, 19 Feb. 1802, TWP, reel 2.

²⁷ Samuel Finley to Thomas Worthington, 12 Feb. 1802, in *Report of the Committee, Appointed on the 29th of January last, to whom was referred the Census of the Inhabitants of the Territory north west of the river Ohio...* (Washington, D.C.: 1802).

²⁸ Robert McClure to Thomas Worthington, 4 Mar. 1802, TWP, reel 2.

know the Sentiments of the people respecting a State Government,” and adding that “they were almost unammiously pleased with the proposal.”²⁹

A Congressional committee was formed respecting statehood, with William Giles at the head. He immediately requested Albert Gallatin offer terms so as to “secure to the United States the proceeds of the sales of the Western lands;” Congress did not want another argument over the public domain like it had had with John Sevier and Andrew Jackson in Tennessee.³⁰ In return for recognizing the sovereignty of the United States over the public lands and not taxing sold lands for ten years, Gallatin suggested the federal government offer section 16 in each township for sale to support public education, that the salt springs be ceded to the state to lease (but not sale), and that ten percent of all land sale revenue be used towards the construction of roads connecting Ohio to the navigable waterways east of the Appalachians.³¹ Giles’s committee adopted Gallatin’s resolutions, hoping they would attribute to “the stability and permanence of the union of the eastern and western parts of the United States.”³²

The plan was immediately attacked, with the first argument being that Congress could not call for a convention to be held. Most members ignored what they perceived to be a trivial complaint, claiming that all the states had all been created through conventions, and that Congress’s approval did not trample the rights of the Ohioans, but rather vindicated them.³³ Roger Griswold of Connecticut objected to applying proceeds from the sales to the laying of roads, saying it was a scheme by Pennsylvania and Virginia as those states would be the ones benefitting from this plan, and claiming that it was contrary to the purpose of the sales: reducing

²⁹ James Caldwell to Thomas Worthington, 8 Mar. 1802, TWP, reel 2.

³⁰ See: John Sevier to Andrew Jackson, 12 Dec. 1796, Andrew Jackson to John Sevier, 18 Jan. 1797, and Andrew Jackson to David Campbell, 29 Dec. 1797, in *The Papers of Andrew Jackson*, eds. Harriet Chappel and Sam B. Smith (Knoxville, TN: The University of Tennessee Press, 1980-), 1:102, 117, 159; *American State Papers: Indian Affairs*, 1:625-626.

³¹ *Annals of Congress*, 7th Cong., 1st Sess., 1100-1103.

³² *Ibid.*, 1100.

³³ *Ibid.*, 1103-1118.

the debt. Giles defended the provision himself, claiming such favoritism was unavoidable in such matters, and arguing that the roads would increase the value of the lands and the revenue from the sales. The House agreed to the committee's resolutions.³⁴ Worthington recorded the bill's reception in the Senate in his diary, noting that Gouverneur Morris was the most outspoken critic. Harkening to European monarchs, Morris opposed the granting of the salt springs to the state, claiming that

many sovereigns derived their revenue principally from salt-springs that the US ought not to give up theirs that it might hereafter be an engine in the hands of the new state which would aid them in opposing the US. if the US retained them it would always enable them to counter act the measures of the state.³⁵

Morris was silenced by Worthington's allies though. George Logan of Pennsylvania sarcastically argued that he saw "the salt water in the Terry as much a common stock as that of the sea."³⁶ While the federal government was concerned over securing the revenue from the land sales, a new and growing sentiment opposed the old guard's trepidations about the western people, believing them to be loyal citizens and working to embrace their sentiments as well as any other section of the Union. Some changes were made, reducing the period of sale to taxation from ten to five years, and only granting five percent towards road construction. The final bill was signed by President Jefferson on April 30.

In the months leading up to the convention election, the *Scioto Gazette* became the platform for Ross County's candidates to express their political beliefs. Examining the dialogue between the men vying for Ohio's political hegemony offers great insights into the evolving socio-political structure of the United States. Several members of the Chillicothe Junto

³⁴ *Ibid.*, 1120-1126.

³⁵ Thomas Worthington, diary entry dated April 27, 1802, PTW, reel 1.

³⁶ *Ibid.*

forwarded a petition to the *Gazette* asking the potential candidates to answer four questions. “It is not important,” wrote Duncan McArthur, John Crouse, and others, “that the people should have positive assurance of the opinions” of the candidates, except “at least on the following important subjects:”

- 1st. Whether they are, or are not advocates for the formation of a state government.
- 2d. Whether the present administration of the general government, is or is not approved of by them.
- 3d. Whether they are for rejecting or accepting the propositions made to us by the general government.
- 4th. Whether they are, or are not, in favor of slavery being admitted into the country.³⁷

Not only did these questions frame the issues to be considered by the ensuing public debate, but they also forced the candidates to acknowledge—or ignore—the developing democratic fervor of American politics.

The candidates who either challenged the people’s authority to ask of them such questions, or who were not used to such etiquette, did not favor highly at the polls. Both Samuel Finley and Elias Langham, each local government officials, refused to give straight answers in their responses to the *Gazette*. When answering whether he was a Republican or a Federalist, Langham informed the readers that his political views were “too well known in the county to need a word from [him], at this time,” as were his opinions on slavery. He also answered ambiguously on the question of the enabling act, claiming he had “not as yet given the subject sufficient consideration to enable [him] to determine” its merits.³⁸ Meanwhile, Finley felt that such electioneering may lead the people “into labryinths of error and mistake.” To ask questions of candidates was to put “an all important concern, on a very uncertain footing.” Rather, Finley

³⁷ “To the Electors of Ross County,” *The Scioto Gazette*, August 28, 1802.

³⁸ “For the Scioto Gazette,” *The Scioto Gazette*, September 4, 1802.

asked the voters to examine his “past conduct and proceedings,” instead of answering their questions straight forward. Neither were elected to the convention.³⁹

Slavery was perhaps the easiest issue to analyze. Those who favored its admission lost; those who were against its adoption still had a chance for election. John S. Wills was very blunt about it. “I will serve in the Convention, if elected. It is proper I should add, that I am in favor of the introduction of negroes as slaves, and pledge myself to support this principle.”⁴⁰ John G. Macan felt that slavery should not be banned by the constitution, but rather it should be left “in the power of the people, by a legislative act, to admit or prohibit them at any future period.” He consulted the other state constitutions, which he felt did not prohibit slavery by constitutional provision, but by “legislative act.” “If the people of this Territory will, in this manner, gag the mouths of themselves and their posterity, in a matter which the people of several other states, similar to us in situation, think so important, we will not then be upon an equality with the other states, and scarcely republican.”⁴¹ Wills and Macan were immediately shouted down by “Yellow Jacket,” who asked them “what right have we to deny a man of his right, on account of his colour?” He encouraged them to go to Virginia and the Carolinas, and enquire about the slaveholder’s fears of insurrection. “Have we not enemies enough on our frontiers,” “Yellow Jacket” asked. “I mean the Indians—introduce slavery we create another in our bosoms, and will not the Indians, after find out our bosom enemy, hold out baits, and will not the negroes soon make a common cause with the Indians, to our great annoyance?” He charged Wills and Macan of being Federalists, and that “negro slavery is the bait by which they mean to catch

³⁹ “For the Scioto Gazette,” *The Scioto Gazette*, September 4, 1802.

⁴⁰ “For the Scioto Gazette,” *The Scioto Gazette*, September 4, 1802.

⁴¹ “To the Electors of Ross County,” *The Scioto Gazette*, September 11, 1802.

republicans— Republicans vote for such negro Feds? No, never, never stain, never contaminate the veins of republican's principles with such black, corrupted stuff.”⁴²

Langham was very vocal against slavery, claiming that he and William Goforth had tried to block Thomas Worthington, Nathaniel Massie, Samuel Finley, and others from introducing a pro-slavery bill into the territorial legislature.⁴³ Nathan Willis, editor of the *Gazette*, then opened the floodgates, printing every attack on Langham that came to hand. “Blue Jacket” accused Langham of twisting the wording of the minutes from the *House Journal* in order to deceive his listeners, and that Langham was in fact the supporter of slavery.⁴⁴ Duncan McArthur called out Langham's incompetency for even introducing a bill on slavery to begin with: “it provides the author to be either drunk or a fool, for wishing to pass a law that could do no more for us than was already done by the ordinance.” McArthur also called Langham out on not seeing “why political opinion should be called in question at forming a constitution!” He also suspected Langham and others of being Federalists in disguise, trying to seduce the “republican interest.”⁴⁵ “Plain Truth & very Plain Dealing” followed McArthur's lead, and questioned Langham's dissent against the Land Act of 1800.⁴⁶ “The People” labeled him a traitor during the Revolution, claiming that he had thrown down his arms to take on “a *royal dress* in 1781.”⁴⁷ His pro-slavery history, and tendency of flip-flopping worked against him as he was not elected.

John Craig Hammond argues that the issue of slavery was the single most important factor towards the election of the delegates.⁴⁸ While the issue did raise the most intense rhetoric among the editorial columns of the *Scioto Gazette*, it was not the end factor for election in Ross

⁴² “For the Scioto Gazette, The Scioto Gazette, September 18, 1802.

⁴³ “For the Scioto Gazette,” *The Scioto Gazette*, September 4, 1802.

⁴⁴ “For the Scioto Gazette,” *The Scioto Gazette*, September 11, 1802.

⁴⁵ “For the Scioto Gazette,” *The Scioto Gazette*, September 11, 1802.

⁴⁶ “For the Scioto Gazette,” *The Scioto Gazette*, September 18, 1802.

⁴⁷ “To the Printer of the Scioto Gazette,” *The Scioto Gazette*, September 18, 1802.

⁴⁸ John Craig Hammond, *Slavery, Freedom and Expansion in the Early American West* (Charlottesville, VA: The University of Virginia Press, 2007), 77-78.

County. Several men offered their names for the convention, some of whom would go on to win elections for various state offices, and despite their distaste for slavery, they were defeated for the convention. It came down to simple party machinery and an extension of suffrage. After a month of open debate in the public sphere, the Republican corresponding society published their list of preferred candidates in the *Gazette*. Thomas White, who had finalized the list in a letter to Duncan McArthur, named Thomas Worthington, Edward Tiffin, Nathaniel Massie, Michael Baldwin, and James Grubb as his preferred slate.⁴⁹ All five would go on to win election as the Ross County delegates.

TABLE 5. Election Results, Ross County, 1800 - 1802

Candidate	1800, Territorial Assembly	1802, Constitutional Convention	Percent Increase
Edward Tiffin	249	905	363%
Thomas Worthington	188	716	381%
Eliash Langham	196	443	226%
Jacob Smith	52	368	707%
James Crawford	16	56	350%
Thomas Gregg	140	40	-285%
Average	140.2	421.3	301%

Sources: "Chillicothe, October 16," *The Scioto Gazette*, October 16, 1802; New Nation Votes, Northwest Territory 1802 Territorial Legislature, Ross County.

⁴⁹ "Extract of a Letter," *The Scioto Gazette*, October 2, 1802.

TABLE 6. Candidate Voting Blocks, Ross County

Candidate	1802, Convention	1803, State	1804, State	Average
Edward Tiffin	905	1,010 (Gov.)	n/a	957.5
Thomas Worthington	716	808 (State Rep)	n/a	762
Nathaniel Massie	754	955 (State Sen)	n/a	854.5
Michael Baldwin	627	786 (State Rep)	724 (State Rep)	712.3
James Grubb	621	213 (State Rep)	n/a	417
Elias Langham	443	459 (U.S. Rep)	510 (U.S. Rep)	470.7
Jeremiah Morrow	n/a	400 (U.S. Rep)	360 (U.S. Rep)	380

Sources: New Nation Votes, Ohio 1803 State Senate, Ross County, Ohio 1803 House of Representatives, Ross County, Ohio 1803 Governor, Ohio 1803 U.S. House of Representatives, Ohio 1804 State Senate, Ross County, and Ohio 1804 U.S. House of Representatives; “Chillicothe, October 16,” *The Scioto Gazette*, October 16, 1802.

TABLE 7. Election Results, Hamilton County, 1802

Candidate	1802, Territorial Assembly	1802, Constitutional Convention	Percent Increase
Francis Dunlavy	436	1635	375%
Jeremiah Morrow	334	1536	460%
John Smith	357	964	270%
John Paul	179	1630	911%
John Bigger	948	500	-5247%
John Ludlow	74	470	635%
John Kitchel	71	1172	1651%
William Ward	142	315	222%
Thomas Smith	135	887	657%
John Browne	631	1066	169%
Average	330.7	1017.5	308%

Sources: “Chillicothe, October 23,” *The Scioto Gazette*, October 23, 1802; New Nation Votes, Northwest Territory 1802 Territorial Legislature, Hamilton County.

Perhaps just as important was the Enabling Act’s extension of suffrage to “all male citizens of the United States” who were of “full age,” had lived in the territory for one year, and who had “paid a territorial or county tax.”⁵⁰ Combined with the influx of population from the land sales, the Enabling Act increased voter turnout exponentially, especially in Hamilton

⁵⁰ Act of April 30, 1802, ch. 40, *I Stat.*, 174.

County. As TABLE 6 shows, Election Day in 1802 had two ballots with drastically different results because one required property qualifications and the other did not. Worthington had written to Giles that suffrage “ought to be extended to all actual residents,” and that the “time of residence previous to the elections...should be short.”⁵¹ In Worthington’s draft of the Enabling Act he added such a clause, the language of which was inserted into the final bill, indicating his ideas had influenced the committee’s decision.⁵²

This expansion of the electorate helped Elias Langham’s defeat just as the party machinery and his support of slavery did. In his election to the territorial legislature in 1800, Langham’s 196 votes were second to Edward Tiffin’s 249, and just barely more than Worthington’s 188 (all three were elected).⁵³ While his votes more than doubled to 443 for the constitutional convention, he was bested by James Grubb’s 627 and Abraham Claypool’s 535.⁵⁴ In the first state elections of 1803 Langham received 459 votes in Ross County for the U.S. House of Representatives special election, besting winner Jeremiah Morrow’s 400. The following year Langham bested Morrow again 510 to 360, and in 1805 Langham received 573 votes for State Representative.⁵⁵ While he held this solid block of voters, Langham was unable to win election to the constitutional convention because of the influx of new voters the Enabling Act brought. New to the political arena, they voted along party lines and through the immediate information being distributed by the *Scioto Gazette*. In 1803 the candidates had more than five spots to fill in the new statehood elections, helping to disseminate some of the lesser known

⁵¹ Thomas Worthington to William Giles, 20 Mar. 1802, ETSMC, 1991.191.94.

⁵² Thomas Worthington, draft of the Enabling Act, ca. March 1802, ETSMC, 1991.161.84.

⁵³ New Nation Votes, Northwest Territory 1800 Territorial Legislature, Ross County.

⁵⁴ “Chillicothe, October 16,” *The Scioto Gazette*, October 16, 1802.

⁵⁵ New Nation Votes, Ohio 1803 U.S. House of Representatives, Ohio 1804 U.S. House or Representatives.

candidates' voting blocks. Also, no party ballots were announced with James Grubb's name on them, and in the election for State Representatives his 627 supporters dropped to 213.⁵⁶

Langham's support came mostly from the Virginia Military District.⁵⁷ In the 1803 House race the existing township data shows that Langham received 280 votes from the west side of the Scioto River; Michael Baldwin received 198, and Jeremiah Morrow 141. It was more competitive on the east bank, where many of the residents had formerly been squatters. Langham and Morrow were nearly tied with 140 and 128 votes respectively, while Baldwin only received 46. Langham's monopoly over the military district is not hard to explain; district residents were typically from the Virginia Piedmont where yeoman slaveholding had been widespread in this region, as many combined their labor with their slaves' to transform the wilderness into commercial farmland from the 1720s to the Revolution.⁵⁸ Those who came to the Ohio Country with their military warrants, including political leader Nathaniel Massie, wanted to replicate what had been an effective system back home. As Massie had said previous to his election to the convention, "the introduction of slavery would ultimately prove injurious to our country, although it might at present, and for some time hence, contribute to improve it, yet it would operate as a temporary convenience for a permanent evil."⁵⁹ He would soon be permanently settled several miles outside of Chillicothe near Seip Mound, in the "boonies" as one county historian has described it, on a new plantation that his black "servants" had built for him.⁶⁰ Such sentiments were most blatantly realized in two petitions sent to the territorial

⁵⁶ New Nation Votes, Ohio 1803 House of Representatives, Ross County.

⁵⁷ New Nation Votes, Ohio 1803 U.S. House of Representatives.

⁵⁸ Bond, *Civilization of the Old Northwest*, 12-14; Allan Kullikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: The University of North Carolina Press, 1986), 156-158.

⁵⁹ "For the Scioto Gazette," *The Scioto Gazette*, September 18, 1802.

⁶⁰ This perception of Massie has developed out of several discussions with RCHS archivist Pat Medert.

legislature praying for the introduction of slavery into the territory, both of which were supported by Langham and denounced by Worthington and others.⁶¹

The constitution that the convention created was a reflection of who the constituents and their delegates were, and what they desired for a political society. Thomas Worthington represented the anti-slavery minded Virginians who, like himself, had migrated to the Virginia Military District to escape the constrictions imposed on them by politics of the Tidewater, and his stances in the convention attest to this. Recent scholarship has begun to disprove that Virginia was relatively stable during the Revolution. Conflict arose between all branches of society, with the great planters of the upper class trying to regain social and political stability, the tenants, laborers, and servants of the lower class trying to achieve more economic gains, and the middling freeholders stuck playing whichever side offered them the greatest advantages. While some political reforms did come, the status quo still remained relatively unchanged by war's end. Voting restrictions stayed the same, limiting suffrage to white males who owned property, and while property qualifications for political office were removed, the continued—and prioritized—system of slaveholding became the new gauge of political power, continuing the decades-long monopoly that the great planters had over Virginia politics.⁶²

⁶¹ Bond, *Civilization of the Old Northwest*, 96, 126; Hammond, *Slavery, Freedom, & Expansion*, 76-77.

⁶² For the Virginian status quo see: John Gilman Kolp, *Gentlemen and Freeholders: Electoral Politics in Colonial Virginia* (Baltimore: The Johns Hopkins University Press, 1998); Anthony S. Parent, Jr., *Foul Means: The Formation of a Slave Society in Virginia, 1660-1740* (Chapel Hill: The University of North Carolina Press, 2003); Brent Tarter, *The Grandees of Government: The Origins and Persistence of Undemocratic Politics in Virginia* (Charlottesville, VA: University of Virginia Press, 2013), 1-193. For Virginia in conflict, see: T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985); Ronald Hoffman, "The 'Disaffected' in the Revolutionary South," in Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb, IL: Northern Illinois University Press, 1976), 273-316; Woody Holton: *Forced Founders: Indians, Debtors, & the Making of the American Revolution in Virginia* (Chapel Hill: The University of North Carolina Press, 1999); Rhys Isaac, *Landon Carter's Uneasy Kingdom: Revolution and Rebellion on a Virginia Plantation* (New York: Oxford University Press, 2004), and *The Transformation of Virginia, 1740-1790* (Chapel Hill: The University of North Carolina Press, 1982); Michael A. McDonnell, *The Politics of War: Race, Class, & Conflict in*

Such consolidation of political power did not impress Worthington. He was much more concerned with the interests of the white yeomanry, like “the People” from Pickaway and Green Township. These townships, as well as many others on the east side of the Scioto, were settled by dozens of families whom he had personally sold land to during the public sales. “The People” believed “that a Government giving equal rights and privledges to all who bears a share of the general burdens frequent elections and a general suffrage to elect making all officers responsible to the people and using economy in the Administration” was the best possible outcome of the convention, and that it would “be the most likely to promote the happiness and welfare of a people engaged in the various pursuits of domestic ease.” Understanding that they were “now at liberty to form for” themselves a constitution, the first step was to “select from among [themselves] those men whose ambition and integrity entitles them to [their] confidence for this important trust.” The election was to be the day of their “political birth,” and they put their “confidence” in Worthington to establish their “sacred and eternal rights.” They hoped that through the “united wisdom” of the convention “another bright constellation [would] rise in the Western Hemisphere.”⁶³

Worthington heeded “the People’s” words. Not only did he support annual elections for both houses of the legislature, but he also wanted to extend suffrage to all adult white male residents (unlike the Northwest Ordinance’s and Virginia’s property qualifications).⁶⁴ The

Revolutionary Virginia (Chapel Hill: The University of North Carolina Press, 2007); Albert H. Tillson, Jr., *Accommodating Revolutions: Virginia’s Northern Neck in an Era of Transformations, 1760-1810* (Charlottesville, VA: University of Virginia Press, 2010); Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W. W. Norton & Company, 2013). For slaveholding as the new status of political power see: Christopher Michael Curtis, *Jefferson’s Freeholders and the Politics of Ownership in the Old Dominion* (Cambridge: Cambridge University Press, 2012).

⁶³ Some of the People to Thomas Worthington, 11 Oct. 1802, ETSMC, 1991.161.98.

⁶⁴ *Journal of the Convention, of the Territory of the United States North West of the Ohio, Begun and Held at Chillicothe, On Monday the First Day of November, A. D. 1802, and of the Independence of the United States the Twenty-Seventh*, (Columbus: George Nashee, 1827), 19-20. For Virginia’s voting restrictions see: William

convention adopted the same language as the Enabling Act, adding that in lieu of paying a county tax an adult white male resident could vote if he had lent his service to the laying of roads in the state.⁶⁵ Such was in tune with “the People’s” concept of sharing the “general burden.” Worthington kept notes during the convention, scribbling down phrases like “do not the people pay a tax roads military duty do the[y] not aid in support the property of the rich,” and “do they not aid in protect the property of the county.” He noticed that “many are of the opinion this authority [(statehood)] is not derived from the people,” so he went to the opposite extreme.⁶⁶ When it was motioned to strike out the county tax or road work requirement—thus granting universal suffrage to adult white males—Worthington voted for the measure, but was only joined by James Grubb and six others, so the motion failed.⁶⁷ More members (14) were willing to strike out the word “white” from the suffrage requirements, but Worthington was not one of them, voting to keep the clause intact.⁶⁸

Worthington’s stance on a white-only electorate may have been more in tune with ethno-centrism than with blatant racism. Rather than feeling that those with African-descent were inherently inferior, he and many others were much more concerned with the societal problems that had, and would, arise in a racially pluralistic community. A “Citizen” had written the *Scioto Gazette* previous to the convention election, asking if slavery would not “tend to create greater distinctions in society and destroy that social connection and sympathy which ought to exist in

Waller Henning, ed., *The Statutes at Large: Being a Collection of All the Laws of Virginia...*, 13 vols. (Richmond, VA: 1809-1823), 4:475-482; Parent, *Foul Means*, 193.

⁶⁵ *Journal of the Convention*, 34.

⁶⁶ Thomas Worthington, notes take during the Ohio Constitutional Convention, ca. Nov. 1802, ETSMC, 1991.161.86.

⁶⁷ *Ibid.*, 27-28.

⁶⁸ *Ibid.*, 27.

every well regulated society?” “Will it not be introducing so many enemies into the bosom of our country?”⁶⁹ As Thomas Jefferson described in his *Notes on the State of Virginia*:

Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made, and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.⁷⁰

The rest of Jefferson’s racist and biased rambling on the subject, especially the disbelief in the African’s ability to be formally educated or to labor industriously for himself, does not seem to have phased Worthington.⁷¹ He showed a willingness to educate his indentured servants, either white or black. John Müller, who arrived in Philadelphia from Amsterdam in 1817, indentured himself to Worthington and was to receive “four weeks schooling” during the term of his

contract.⁷² More telling is the probate record of Fanny Demit, a former slave turned servant of Worthington’s. Demit owned three books at the time of her death in 1824, indicating that she had some reading skills.⁷³ Slaves were valued for their ignorance and lack of literacy—not to mention laws prohibiting it—but neither Demit did not possess this apparent quality.⁷⁴

Worthington even offered free land to his former slaves, with the stipulation that they labor upon it and maintain their improvements, though none of them took up the offer.⁷⁵

⁶⁹ “To the Printer of the Scioto Gazette,” *The Scioto Gazette*, August 21, 1802.

⁷⁰ Jefferson, *Notes*, 145.

⁷¹ *Ibid.*, 145-151.

⁷² “Indenture between Thomas Worthington and John Müller,” July 14, 1817, Thomas Worthington Family Collection, OHS, MSS 1145.

⁷³ Fanny Demit, estate appraisal, November 29, 1824, RCPRA, record 1913.

⁷⁴ For preferences towards illiteracy see: Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market*, (Cambridge, MA: Harvard University Press, 1999), 158.

⁷⁵ Sarah Worthington King Peter, *Private Memoir of Thomas Worthington, ESQ* (Cincinnati: Robert Clarke & Co., 1882), 31. Sarah Worthington, Worthington’s daughter and most accomplished child, recalled this from family stories, so the authenticity is somewhat suspect. However, despite her racial attitudes towards her parents’

The issue that Worthington, as well as the “Citizen,” had with black citizenship was the perceived threat that blacks posed towards white labor. “If...slavery be sanctioned,” asked the “Citizen,” “will it not prevent the most valuable class of citizens from removing to the country, I mean the real cultivators of the soil? Will it not discourage the poor laboring white citizens” and “have a tendency to discountenance labor?”⁷⁶ Jefferson claimed that “in a warm climate, no man will labour for himself who can make another labour for him.”⁷⁷ This Worthington did take to heart, knowing full well his own practice of it through indentures and multiple business ventures. The mere presence of blacks would be enticing towards slavery, Worthington thought, and he supported measures to ensure this did not happen. Not only did he vote against extending the suffrage to black residents, but he also voted against allowing blacks or mulattos to hold public office. He also voted to prohibit black citizens from bearing witness against whites in court, and from serving in the militia.⁷⁸ Perhaps most importantly, Worthington supported voluntary servitude in Ohio, but not for blacks or mulattos. Despite John Craig Hammond’s claim that indentured servitude was illegal under the Northwest Territory and outlawed in Ohio—“involuntary” is an important word he seems to have missed—the practice was legal, but uncommon.⁷⁹ Worthington, along with several others, voted to insert into the Bill of Rights the phrase “Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or if made in the State, where the term of service exceeds one year, be of the last validity, except those given in the case of apprenticeships.”⁸⁰ The Virginians more than anyone would

slaves, her account does tend to suggest that these people were free, and that Worthington may have looked upon them less through the lens of a master and more as a patriarchal father.

⁷⁶ “To the Printer of the Scioto Gazette,” *The Scioto Gazette*, August 21, 1802.

⁷⁷ Jefferson, *Notes*, 169.

⁷⁸ *Journal of the Convention*, 29.

⁷⁹ Hammond, *Slavery, Freedom, & Expansion*, page 81 is a good example. For indentured servitude in Ohio see: Stanford C. Cox, *Recollections of the Early Settlement of the Wabash Valley* (Lafayette, IN: Courier Steam Book and Job Printing House, 1860), 97.

⁸⁰ *Ibid.*, 37; “Constitution of the State of Ohio—1802,” in Shriver and Wunderlin, *Documentary Heritage*, 106.

have known the bridge from servitude to slavery. As such, those in Worthington's camp would not even allow what they felt was the possible beginnings of a slave invested frontier republic.

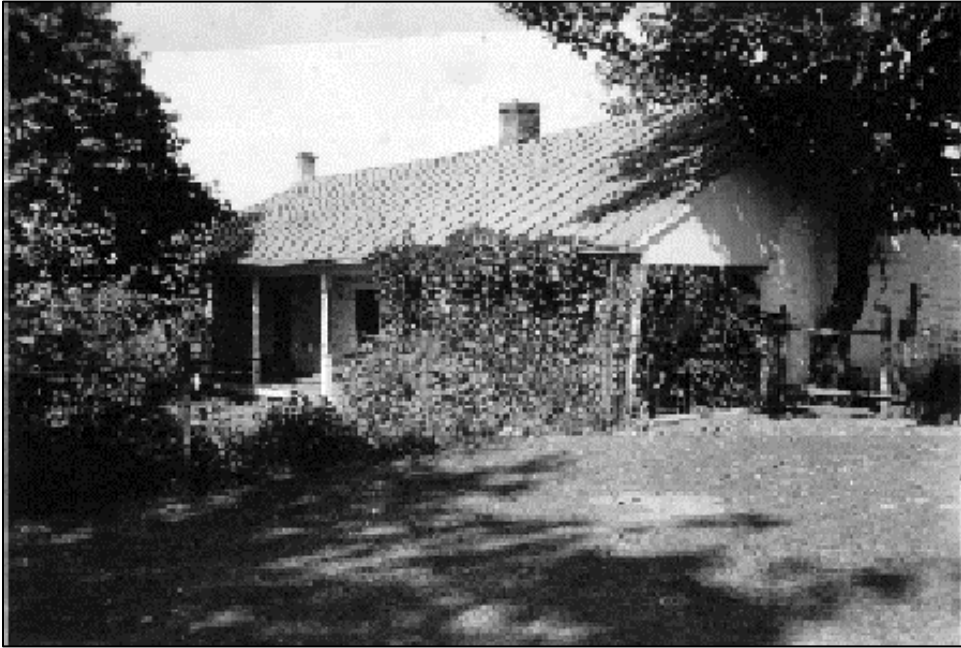
Women were intentionally left out of the constitution as well, but that does not mean they did not play an important part in the transfer of American culture and politics to the frontier. While Worthington was busy playing politics either in Chillicothe or in the nation's capital, his wife Eleanor stayed home to care for their ten children, to oversee the management of Adena, and to watch over Worthington's various business affairs.⁸¹ Virginian women were also responsible for the gentrification of the Ohio Country. Worthington had lived his entire life in crude stone structures, below deck on merchant vessels, or in the log cabins that he had built in and around Chillicothe. Eleanor, whose kin network included three of the wealthiest families in the Shenandoah Valley, was used to the more elegant Swearingen manor outside of Shepherdstown. Worthington may have been wanting to solidify his political image by contracting with Benjamin Henry Latrobe for the design of Adena, but Latrobe knew that any plans he made had to first pass inspection by Eleanor.⁸² Like Eleanor, Susan Massie, wife of Nathaniel Massie and daughter of Colonel Henry Meade, was "raised in polished and fashionable life." Massie's extravagant plantation was built for her as a wedding gift in 1800. It was here that the Massies received political allies and business partners, and where Susan indulged her guests in tea and other expensive imported goods.⁸³ She also helped recreate genteel society by orchestrating balls, "fishing" parties, and planning trips to the Pickaway Plains so they and their guests could go "a strawberrying."⁸⁴

⁸¹ Sears, *Worthington*, 43-45.

⁸² Michael W. Fazio and Patrick A. Snadon, *The Domestic Architecture of Benjamin Henry Latrobe* (Baltimore: The Johns Hopkins University Press, 2006), 302.

⁸³ David Meade Massie, *Nathaniel Massie, A Pioneer of Ohio: A Sketch of His Life and Selections from His Correspondence* (Cincinnati: The Robert Clarke Co., 1896), 105-106.

⁸⁴ Nancy Bedinger to Rachel Bedinger, 23 May 1805, RCHC, James S. Swearingen Manuscript Collection, 1987.38.107.



William Darke House, Worthington's Childhood Home



The Swearingen Manor, Shepherdstown, WV (photo by author)



Thomas Worthington's Adena, Chillicothe, OH (photo by author)

The Virginian women also served as political actors, though perhaps not on their own accord. Susan's younger sister was married to Charles Willing Byrd, one of Massie's most prominent political allies.⁸⁵ Another of Colonel Meade's daughters was married to the Republican William Creighton, Ohio's first Secretary of State.⁸⁶ Byrd was also an in-law with William Henry Harrison, whose wife was the daughter of John Cleves Symmes, and was close friends with Susan Massie.⁸⁷ Massie, Byrd, and Harrison comprised the corps of Ohio's Old Republican guard, and their inter-relationships to one another comes as no surprise. Conducting marriage within the same kin network and class helped to solidify gentry control over political

⁸⁵ Nelson W. Evans and Emmons B. Stivers, *A History of Adams County, Ohio, From its Earliest Settlement to the Present Time...* (West Union, OH: E. B. Stivers, 1900), 527.

⁸⁶ Nancy Bedinger to Rachel Bedinger, 23 May 1805, RCHC, James S. Swearingen Manuscript Collection, 1987.38.107.

⁸⁷ Evans and Stivers, *Adams County*, 527; William Henry Harrison to Nathaniel Massie, 17 Jan. 1800, in Massie, *Nathaniel Massie*, 155-156.

and social orders for several generations.⁸⁸ Colonel Meade, as a prominent business associate of Massie, was willing to marry his daughter to him to both maintain and foster this relationship. Eleanor's marriage to Worthington was a similar situation, in that Worthington acted as land agent for Eleanor's uncle Abraham Shepherd.⁸⁹

Citizenship in Ohio offers a unique view at the way Euro-Americans established political rights following the American Revolution. In the South, especially Virginia, civil distinctions between "white" and "black" racialized the electorate, creating a new class consciousness and solidifying pre-existing power networks.⁹⁰ Many ethno-historians have also looked at political racialization on the frontier with an emphasis on land. Euro-Americans justified the annexation of native property based on their own "whiteness." Native American communities which had previously been communally owned were privatized; property lines were drawn, and the lots sold to Euro-American settlers. Those who were considered "white" got to keep their land, while those who were not could—and often did—lose all.⁹¹

Citizenship was racialized in Ohio, but not to protect the upper class, and definitely not to confer white privilege to property. Unlike many other frontier regions, Ohio did not contain established Indian communities by the time of statehood (the majority of the state never had

⁸⁸ Kathleen M. Brown, *Good Wives, Nasty Wenches & Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: The University of North Carolina Press, 1996), 253-260.

⁸⁹ Abraham Shepherd to Thomas Worthington, 27 May 1797, TWP, reel 1.

⁹⁰ Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Co., 1975); Parent, *Foul Means*, 141-162; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: The University of North Carolina Press, 1990), 177.

⁹¹ Lauren L. Basson, *White Enough to Be American?: Race Mixing, Indigenous People, and the Boundaries of State and Nation* (Chapel Hill: The University of North Carolina Press, 2008), 15-21; Lucy M. Murphy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie Du Chien, 1750-1860* (Cambridge, UK: Cambridge University Press, 2014); Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981); Tiya Miles, *The House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill: The University of North Carolina Press, 2010); Claudio Staunt, *A New Order of Things: Power, Property, and the Transformation of the Creek Indians, 1733-1816* (Cambridge, UK: Cambridge University Press, 1999).

permanent villages, and those that did exist were destroyed). Because of this, the land offices never had to deal with land claims the way that the Indiana, Illinois, New Orleans, or other western land offices did. Land also did not figure into the classification of citizenship, as property requirements for either electors or officials was left out of the constitution. “White” and “male” were virtually the only requirements of civic inclusion. This distinction was crucial to preserving the agrarian republic, because of the disbelief in the harmony of a racially pluralistic society. Such an emphasis on this point was unique to Ohio in the period, as both Indiana and Illinois attempted to institute slavery.⁹² Ohio was so fearful to the perceived threat from free blacks that in 1829 Cincinnati’s white residents rioted against local black laborers, forcing nearly half the black population to leave the city by year’s end. This was the solution to what Jefferson saw as the problem of slavery and the social and political dangers it would bring to a republic.

⁹² Robert M. Owens, *Mr. Jefferson’s Hammer: William Henry Harrison and the Origins of American Indian Policy* (Norman, OK: University of Oklahoma Press, 2007), 67-72; James E. Davis, *Frontier Illinois* (Bloomington, IN: Indiana University Press, 1998), 165-168.

“An Incapacity to Bear Up Any Other Than Free Men” Epilogue

In 1830 Robert Hayne of South Carolina took the Senate floor to debate a motion to amend the land policy of the United States. His words sparked the greatest debate in Congressional history, and started a rhetorical battle over the history of America’s western settlement. Hayne condemned the previous forty-five years of land policy, claiming that it was meant to fill the coffers of the treasury rather than to help actual settlers. He then invoked the growing states’ rights ideology, claiming that the states “have a full and perfect legal and constitutional right to all the lands within their respective limits.”¹ It was “extremely inconvenient, nay, highly injurious to a State, to have immense bodies of land within her chartered limits, locked up from sale and settlement, withdrawn from the power of taxation, and contributing in no respect to her wealth or prosperity.” Furthermore, Hayne asserted the federal government kept the states in “dependence” by only allotting public lands to the states for the use of canals and other internal improvements.² Daniel Webster responded, attacking the states’ rights ideology and Hayne’s criticism of the federal policy. “I deny altogether,” he said, “that

¹ For the doctrine of states’ rights see: John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic: Volume 1: Commerce and Compromise, 1820-1850* (Cambridge, UK: Cambridge University Press, 1995), 47-48; Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States’ Rights and the Nullification Crisis* (New York: Oxford University Press, 1987), 1-7; Gerald Leonard, *The Invention of Party Politics: Federalism, Popular Sovereignty, and Constitutional Development in Jacksonian Illinois* (Chapel Hill: The University of North Carolina Press, 2002), 14-15; Matthew Mason, *Slavery & Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006), 28-30; Merrill D. Peterson, *The Jefferson Image in the American Mind* (New York: Oxford University Press, 1960), 36-67; Roger L. Ransom, *Conflict and Compromise: The Political Economy of Slavery, Emancipation, and the American Civil War* (Cambridge, MA: 1989), 90-92; Frederick Jackson Turner, *The United States, 1830-1850: The Nation and Its Sections* (1935; Gloucester, MA: Peter Smith, 1958), 191; Arthur M. Schlesinger, Jr., *The Age of Jackson* (New York: Little, Brown & Co., 1947), 33-34; James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven: Yale University Press, 1993), 187-207; Harry L. Watson, *Jacksonian Politics and Community Conflict: The Emergence of the Second American Party System in Cumberland County, North Carolina* (Baton Rouge: Louisiana State University Press, 1981), 153-154.

² 21st Cong. Deb. 32-34 (1830).

there has been anything harsh or severe in the policy of the Government towards the new States of the West. On the contrary, I maintain that it has uniformly pursued towards those States, a liberal and enlightened system.” Such policies had worked, Webster contended, for the west had been “a fresh, untouched, unbounded, magnificent wilderness!” “What is it now,” he rhetorically asked. “It is imagination only,” he answered, for in “thirty-five years, there has sprung up, on the same surface, an independent State, with a million people.” While he was “struck with wonder at the success,” he could not help but admire “the wisdom and foresight which originally arranged and prescribed the system for the settlement of the public domain.”³

By 1830 the rhetoric of American federalism had changed. No longer were eastern states afraid of the West and its lawless tribes of “banditti.” Now the eastern half of the country was pandering to the western half. The growing sectional divide between North and South was spurred on by western expansion, with pro-slavery and anti-slavery factions attempting to instill their influence over the newly created states.⁴ Webster looked upon Ohio as an example of what American western expansion should be. Salmon P. Chase, later the leader of the Free Soil Movement in Ohio, held many of the same convictions that Webster did. “The soil of Ohio bears up none but freemen” Chase wrote in 1833. He also observed that “almost every father of a family in this state has a freehold interest in the soil,” yet this did not “entitle” the freeholder to “the concerns of government.” Rather “every man” could vote and run for office, regardless of wealth or status. “This unlimited extension of the elective franchise, so far from producing any

³ *Ibid.*, 34-36.

⁴ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970), 54-60; John Craig Hammond, “‘Uncontrollable Necessity’: The Local Politics, Geopolitics, and Sectional Politics of Slavery Expansion,” in John Craig Hammond and Matthew Mason, eds., *Contesting Slavery: The Politics of Bondage in the New American Nation* (Charlottesville: University of Virginia Press, 2011), 138-160; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 147-160; Bruce Levine, *Half Slave and Half Free: The Roots of the Civil War* (New York: Hill and Wang, 1992), 177-198; Mason, *Slavery & Politics*, 130-157, 172-216; Ransom, *Conflict and Compromise*, 121-171.

evil,” Chase argued, “has ever constituted a safe and sufficient check upon injurious legislations.”⁵



Examples of Greek Revival in Chillicothe, ca. 1835 (photos by author)

Chase and Atwater’s arguments were not just based on the civic institutions of the state, but also the physical personification of democratic fervor in the growing civil society, specifically the Greek revival architecture throughout Ohio.⁶

Writing in 1838 Ohio historian Caleb Atwater referred to his home state as a “temple of liberty.” Commenting on the Gag Rule against anti-slavery petitions to Congress, and the murder of anti-slavery publisher Elijah Lovejoy and destruction of his press, Atwater warned that “all freedom of speech and of the press will be blotted out.”⁷ Atwater believed such restrictions on liberty would destroy the republic, and lamented that:

When that day arrives, rather than yield up the liberties of this country, to the men who are aiming at their destruction, I would prefer to see our own Ohio, breasting the storm of war, alone, if need be, and our citizens, either maintaining their ground valiantly, and victoriously, or dying gloriously. If Liberty ever quits this Union, may her last footsteps tinged with blood, be imprinted deeply on every plain and every hill of Ohio.

⁵ Salmon P. Chase, *The Statutes of Ohio and of the Northwestern Territory...*, vol. 1 (Cincinnati: Corey & Fairbank, 1833), 16-18, 48.

⁶ For the Greek revival in America see: Carl J. Richard, *The Golden Age of the Classics in America: Greece, Rome, and the Antebellum United States* (Cambridge: Harvard University Press, 2009).

⁷ Caleb Atwater, *A History of the State of Ohio, Natural and Civil*, 2nd ed., (Cincinnati: Glezen & Shepard, 1838), 3-4; Levine, *Half Slave, Half Free*, 167.

The ground that Atwater wished to defend was a “state of agriculture [that had] improved greatly within a few years past.” Farms were abundant throughout the state he observed, and all were “in a good state of cultivation” with “good substantial houses, barns and out houses.” And the land was still plentiful, that after marriage, a farmer could then see his sons continue the process of clearing, cultivation, and family making.⁸ Ten years later Chillicothe philosopher Frederick Grimke, the brother of the famous Grimke Sisters, wrote about his new home state, arguing that because “the land was pretty equally divided, and the agricultural population, instead of being divided into two classes of proprietors and renters, assumed almost universally the single character of proprietors.” He observed that this was “an entirely new direction to the political institutions” of the country that had not existed previous to the Revolution.⁹

What these commentators were witnessing was the realization of Jefferson’s agrarian republic. Freedom was directly linked to the soil, a soil that provided not only material wealth, but also the sustainability of their freedom. However, these commentators were wrong about the origins of their society. Webster, Chase, and Atwater hearkened to the Northwest Ordinance to explain this phenomenon of liberty. Webster doubted “whether one single law or any lawgiver, ancient or modern, [had] produced effects of more distinct, marked, and lasting character, than the ordinance of ’87.”¹⁰ Chase described it as having been “a pillar of cloud by day, and of fire by night, in the settlement and government of the northwestern states.” “The great principles

⁸ Atwater, *History of Ohio*, 4, 316.

⁹ Frederick Grimke, *Considerations Upon the Nature and Tendency of Free Institutions* (Cincinnati: H. W. Derby & Co., 1848), 313.

¹⁰ 21st Cong. Deb. 39 (1830).

promulgated by it, are wholly and purely American” he claimed.¹¹ Atwater considered it the “Magna Charta of Ohio.”¹²

Grimke at least understood that government policies other than the ordinance had impacted the culture and society of Ohio.¹³ These commentators had easily forgotten the animosity felt towards the ordinance by those who created the state. Early leaders like Thomas Worthington had led the charge against the ordinance, which was seen as restrictive to not only the territory’s ability to advance economically, but also as a stamper on the American citizen’s political rights. This was not a movement against government control, but rather a movement against stagnant government. Worthington embraced the doctrine of “positive government,” which advocated for an active role of the federal government in creating economic and political institutions.¹⁴ He used the public lands in a way which led to a more equal distribution of property and wealth throughout Ohio, as Grimke observed.

Worthington would continue to advocate this role of “positive government” throughout his political career, especially in regards to internal improvements. It was his motion in the Senate that requested Secretary of the Treasury Albert Gallatin to pen his *Report on the Subject of Public Roads and Canals*.¹⁵ The Cumberland Road would not have been so hastily passed if not for Worthington’s years of committee work on the proposal. When the canal boom hit,

¹¹ Chase, *Statutes of Ohio*, 17-18.

¹² Atwater, *History of Ohio*, 353.

¹³ Grimke, *Considerations of Free Institutions*, 313.

¹⁴ For “positive government” see: Brian Balogh, *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge, UK: Cambridge University Press, 2009); Charles N. Edel, *Nation Builder: John Quincy Adams and the Grand Strategy of the Republic* (Cambridge, MA: Harvard University Press, 2014), 185-248; Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York: Oxford University Press, 1971), 267-284; John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (Cambridge, UK: Cambridge University Press, 2010); Bethel Saler, “An Empire for Liberty, a State for Empire: The U.S. National State before and after the Revolution of 1800,” in James Horn, Jan Ellen Lewis, and Peter S. Onuf, eds., *The Revolution of 1800: Democracy, Race & the New Republic* (Charlottesville: The University of Virginia Press, 2002), 360-382.

¹⁵ *Annals of Congress*, 9th Cong., 2nd Sess., 88-89.

Worthington led Ohio's efforts to carve out the Ohio-Erie canal.¹⁶ Worthington was a strong believer in the canal system, both for the advantages to the public, and the private advantages it would bring. He became the principal donor to the state's canal fund in 1825, pledging \$2,000 in land or cash, should the canal pass through Chillicothe.¹⁷ Land policy was always on Worthington's to-do list, and in 1812 he introduced the bill which opened the General Land Office in Washington.¹⁸ That same year he also proposed a further reduction in the size of tracts from 160 acres to 80 acres and a reduction in the price per acre, as well as a cessation of the public credit.¹⁹ All of these measures helped create the infrastructure necessary to capitalist formation in the Old Northwest.

Atwater also saw the racialization of this society on full display. "We care comparatively little about the liberty of the slave," he wrote, "but we do seriously care about preserving our own freedom."²⁰ The Ohio convention's efforts to institute Jefferson's disbelief in racial harmony had resulted in a specter of racism throughout the state, but Atwater was wrong in regards to the lack of concern over not just slavery, but the slaves themselves. The constitution's ban on slavery and the promotion of individual proprietorship had contributed significantly to the self-realization of "free labor" amongst Ohio's residents.²¹ Such anti-slavery sentiments would be critical in influencing thousands to join the ranks of the growing abolitionist movement. Ohio would soon become the hub of this growing ideology, playing host to the leadership of the

¹⁶ Sears, *Thomas Worthington*, 124-128, 224-225.

¹⁷ *Journal of the Senate of the State of Ohio; Being the First Session of the Twenty-Fourth General Assembly...* (Columbus, OH: George Nashee, 1825), 116.

¹⁸ *Senate Journal*. 12th Cong., 1st Sess., 46.

¹⁹ *Annals of Congress*, 12th Cong., 1st Sess., 125; Thomas Worthington, "A Bill, Making further provisions for the sale of the public lands," ca. February 19, 1812, ETSMC, 1991.161.277.

²⁰ Atwater, *History of Ohio*, 329.

²¹ For free labor ideology see: Foner, *Free Labor, Free Soil, Free Men*, and "Free Labor and Nineteenth-Century Political Ideology," in Melvyn Stokes and Stephen Conway, eds., *The Market Revolution in America: Social, Political, and Religious Expressions, 1800-1880* (Charlottesville: The University of Virginia Press, 1996), 99-127; Eva Sheppard Wolf, "Early Free-Labor Thought and the Contest over Slavery in the Early Republic," in Hammond and Mason, *Contesting Slavery*, 32-48.

Liberty Party, the Free Soil Party, and the American Anti-Slavery Society, as well as nurturing the early anti-slavery experiences of Harriet Beecher Stowe and John Brown.²²

Despite his own racial attitudes, many of the governmental institutions that Worthington helped create—particularly land policy—led to this growing anti-slavery movement and the birth of the Free Soil Party. The credit system required farmers to grow staples in order to meet their annual mortgage payments. A continual reduction of the acreage of tract sizes provided property owners with a more pressing incentive to farm commercially; larger tracts had allowed subdivisions and speculation amongst all purchasers, which could be used to help pay off their debt to Congress. Without this method of payment, farmers had to physically labor to fully pay for their land. Such labor could help contribute to the social mobility of the laborer, a core principle of the Free Labor ideology of the north.²³ None of this would have occurred though, had not Worthington believed in the “mass of cultivators,” and pursued policies that helped place land into the hands of the many, rather than engrossing it into the hands of the few.

Thomas Worthington did not live to see his state’s growing importance in the sectional conflict. He died in 1827 on a business trip to New York. He was fifty four years old. A committee of mourning was formed, and planned an elaborate funeral procession upon his body’s return to Ohio. An entourage of Freemasons, military officers, militiamen, citizen-cavalry, and family met the carriage, accompanying it to Adena where he was interred. The people of Ohio, especially Ross County, were deeply saddened at his sudden passing. The *Scioto Gazette*’s obituary perfectly summed up Worthington’s political life. It described him as “endowed by nature with a vigorous and discriminating mind, and great firmness of purpose,”

²² Such leaders included Salmon P. Chase, Benjamin Tappan, Theodore Dwight Weld, Charles Grandison Finney, John Rankin, Joshua Giddings, Thomas Morris, and James Birney. George W. Knepper, *Ohio and Its People*, Bicentennial Edition (1989; Kent, OH: The Kent State University Press, 2003), 144, 196-216.

²³ Foner, *Free Labor*, 11-13.

stressed his “untiring industry, uncommon penetration, and astonishing perseverance,” and recalled his reputation as “a true friend to the interests of his country.”²⁴

²⁴ “A Great Man Has Fallen,” *Scioto Gazette*, July 5, 1827.